

Union, all of Sayre, Pa., favoring the national prohibition resolution; to the Committee on the Judiciary.

By Mr. MORIN: Petition of A. J. Wurtz and 15 others of the Carnegie Institute of Technology, of Pittsburgh, Pa., with reference to the migratory bird treaty act, House bill 20080; to the Committee on Foreign Relations.

By Mr. NOLAN: Memorial of the Chamber of Commerce of Santa Rosa, Cal., indorsing House bill 1350, the Webb bill, when modified as suggested by the Merchants' Association of New York, so as to permit cooperative action in export trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Independence Union, Pacific Building, San Francisco, Cal., Daniel O'Connell, president, and John A. Miller, secretary, protesting against alleged encroachment of executive upon legislative branch of government and urging that every means possible be used to preserve peace with Germany and her allies; to the Committee on Foreign Affairs.

By Mr. PETERS: Petition of L. E. Dow and 14 other employees of the Post Office Department, urging Congress to increase their salaries; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of Adele O. Merritt, Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Henry G. Seaver, Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of the Bird Lovers' Club, of Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., favoring a prohibition amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of the Commercial Exchange of Philadelphia, commending the act of the Executive in severing relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing act of the President of the United States in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, protesting against the mail-exclusion bill; to the Committee on the Post Office and Post Roads.

By Mr. TAVENNER: Memorial of Charles J. Weigand, secretary of Lodge No. 695, International Association of Machinists, Rock Island, Ill., protesting against war; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of a meeting of the board of government of the Hooker Association of Massachusetts, favoring universal and compulsory military training for all male citizens of the United States; to the Committee on Military Affairs.

By Mr. VAN DYKE: Petition of St. Paul (Minn.) Union Ministers' Association, favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. VARE: Petition of Delaware River Branch, American Society of Marine Draftsmen, asking increased salary; to the Committee on Naval Affairs.

SENATE.

THURSDAY, February 15, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The pending question is the appeal from the decision of the Chair that the amendment of the Senator from Iowa [Mr. CUMMINS] is in order.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Hollis	Lane
Bankhead	Cummins	James	Lea, Tenn.
Brandegee	Curtis	Johnson, Me.	Martine, N. J.
Broussard	Fernald	Johnson, S. Dak.	Myers
Bryan	Fletcher	Jones	Nelson
Chamberlain	Gallinger	Kenyon	Oberman
Clapp	Harding	La Follette	Owen

Page	Sheppard	Smith, S. C.	Vardaman
Penrose	Sherman	Smoot	Walsh
Robinson	Simmons	Tillman	Warren
Shafroth	Smith, Ga.	Townsend	Weeks

Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate on account of illness.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. CATRON, Mr. McCUMBER, Mr. MARTIN of Virginia, Mr. THOMAS, Mr. WADSWORTH, and Mr. WILLIAMS answered to their names when called.

Mr. REED, Mr. KIRBY, Mr. SAULSBURY, Mr. NORRIS, and Mr. BRADY entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

SENATOR FROM MISSISSIPPI.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of JOHN SHARP WILLIAMS, chosen by the qualified electors of the State of Mississippi a Senator from that State, for the term beginning March 4, 1917, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

STATE OF MISSISSIPPI.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

To all to whom these presents shall come, greeting:

This is to certify that on the 7th day of November, 1916, JOHN SHARP WILLIAMS was duly chosen by the qualified electors of the State of Mississippi a Senator from the said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our governor, Theodore G. Bilbo, and our seal hereto affixed at Jackson, Miss., this the 1st day of February, in the year of our Lord 1917.

[SEAL.]

THEODORE G. BILBO.

By the governor,

JOSEPH W. POWER, Secretary of State.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. CUMMINS. Mr. President, the pending question, as I understand, is an appeal from the ruling of the Chair, in which the Chair held that an amendment which I offered last evening to the Post Office appropriation bill was in order. The objection made by the Senator from Florida [Mr. BRYAN] was that the amendment presented general legislation as an amendment to an appropriation bill.

I desire to say just a word with regard to the validity of the ruling. In my opinion the amendment is not general legislation. If our rule was the same as that recognized in the House of Representatives the amendment would be subject to a point of order, but there is a vast difference between "new legislation" and "general legislation." The present law upon the subject was adopted in an appropriation bill. I think that creates at least the presumption that the amendment is not general legislation. The present statute is as follows:

*Provided*, That hereafter every railroad company carrying the mails shall carry on any train it operates, and without extra charge therefor, the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the railway mail service and chief clerks and post-office inspectors while traveling on official business upon the exhibition of their credentials.

The amendment which I have proposed seeks to incorporate in the present law these words: "Including all terminal clerks, transfer clerks, and clerks assigned to the offices of division superintendents." In my judgment the law as it was passed last year ought to have been construed to include these post-office employees, for it provides that "persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department" shall be so carried; but I understand that the Post Office Department has ruled that the clerks in the terminal offices, most of whom have been transferred from the trains to those offices in order to expedite or to reduce the expense of the work that is ordinarily done upon railway mail trains, are not within the statute.

I do not desire at this time to again discuss the merits of the proposition; but it is obvious to me that an amendment which simply extends to certain of the Post Office Department employees the same privileges that are now accorded to other employees who do practically the same kind of work is not general legislation.

I do not believe that any regulatory legislation respecting a department for which we are making an appropriation is general legislation. This amendment is no more general legislation than it would be to change the salary of a post-office clerk. I assume that no one would contend that to reduce the salary from \$1,000 to \$800 of any particular employee or class of employees would be general legislation. I assume that no one would claim that to increase the salary of a clerk from \$1,200 to \$1,400 a year would be general legislation. It might be vulnerable to another rule that we have, which forbids increasing appropriations without estimates, and so forth, but it would not be general legislation. This amendment is no more general legislation than would be an amendment to increase the number of clerks in the Post Office Department. It is no more general legislation than it would be to provide another building in which they should do their work; and I might multiply such instances. There is nothing general in it. It imposes upon the railways of the country the obligation to carry these employees. That is a mere regulation of the Post Office Department and, in my judgment, can not be properly classed as general legislation.

I hope, therefore, that the ruling of the Chair will be sustained, for, in my opinion, most respectfully but earnestly submitted, the amendment ought to be considered upon its merits, and concerning its merits I do not believe there is much difference of opinion in the Senate.

Mr. BRYAN. Mr. President, the point of order raised is that this amendment constitutes general legislation. I think perhaps I should have raised the additional point of order that it is not germane to the substantive provision of the bill. The portion of the bill to which this amendment is offered is for the pay of freight or expressage on postal cards. However, I did not raise that point. It occurred to me at the time that there was no doubt that it was general legislation. I still think there is no doubt of that proposition.

The amendment provides, in effect, that hereafter every railroad company carrying the mails shall extend passes to these employees of the Government—employees of the Government who are not in the Railway Mail Service, employees of the Government whose duties do not carry them upon the trains. The Interstate Commerce Commission prohibits the granting of passes except to certain persons included within its terms. This is granting free passes to a large number of employees, or to some employees; I do not know how many.

It does seem to me that to provide that every railroad company in this country carrying the mails shall give free passes to any class of citizens, whether on duty or not, is general legislation. These men are not getting the transportation when they are performing their duties. It is when they are traveling to and from home. Every other citizen has to pay for it, and this is excluding them from the burden that is placed upon everybody else except men in the Railway Mail Service.

Mr. CUMMINS. Mr. President, the Senator from Florida has misapprehended the amendment. The law now is that the railway mail clerks, or those who are named in it, can only be transported without charge while on duty or while passing to or from duty. My amendment does not change the statute in that regard. They must be either on duty or passing to or from duty.

Mr. BRYAN. Here is what the amendment means: If one of these men employed here in Washington in the terminal station, whose duties did not take him upon the trains at all, lived at Laurel, Md., the railroads would be required to allow him to travel free every morning and every night, in no way connected with his duties as an employee of the Government, but in order to enable him to go back and forth from home. Everybody else has to buy tickets. A man working in the post office right along by his side, in the same building, would have to pay his way; and yet because this man helps to make up in the terminal station the mail that goes upon the trains he is to have this unusual privilege.

I think the point of order is good. I do not care to take up any time in arguing it.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Just before adjournment last night I asked for the yeas and nays. I do not remember whether they were ordered or not.

The VICE PRESIDENT. They were ordered.

Mr. BRYAN. They were ordered, Mr. President. It was on a very slim showing. The fact is that the Senate started to vote upon this question by a division. Only five Senators rose and five ordered the roll call. However, I suppose the Chair is bound by the decision of the occupant of the chair at that time.

Mr. BANKHEAD. Mr. President, I think the effect of the amendment offered by the Senator from Iowa would be to permit all these employees at the terminal stations to secure homes in the country 20 or 30 or any other number of miles away,

where it was convenient to go backward and forward upon the train, and to permit them to travel on these trains without any compensation at all to the railroad. Now, it seems to me that is an unusual proceeding. It seems to me that it is granting an unusual privilege to a particular class of men. It does not apply to any other class of men in the sense that it applies to these terminal employees.

The Senator from New Jersey [Mr. MARTINE], who was in the chair at the time this ruling was made, made an unfortunate remark, a rather jocular remark. I do not think the Senator was really in earnest about it when he made that decision.

Mr. MARTINE of New Jersey. Why, I did not make it in the chair. I made it in the quiet solitude of the cloakroom—the one to which the Senator refers.

Mr. BANKHEAD. What was it that the Senator said?

Mr. MARTINE of New Jersey. Oh, well, let the Senator repeat it if he knows.

Mr. BANKHEAD. Well, I am satisfied the Senator was perpetrating a joke on the Senate.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate? On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). I am paired with the junior Senator from Alabama [Mr. UNDERWOOD]. I note his absence and withhold my vote.

Mr. SHERMAN (when Mr. LEWIS's name was called). I wish to announce that my colleague [Mr. LEWIS] is ill and is not able to be present at this time.

Mr. MARTINE of New Jersey (when his name was called). Under the circumstances I decline to vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

The roll call was concluded.

Mr. RANDELL. I was requested to announce that the Senator from Delaware [Mr. SAULSBURY] is absent on business of the Senate.

Mr. SMITH of South Carolina. I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. OVERMAN. I am paired with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. GALLINGER. I am paired with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Indiana [Mr. WATSON] and vote "nay."

Mr. McCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA] on account of illness. He has a general pair with the Senator from Maine [Mr. JOHNSON].

Mr. CURTIS. I am paired with the junior Senator from Georgia [Mr. HARDWICK] and withhold my vote.

I desire to announce the absence of the Senator from Vermont [Mr. DILLINGHAM] on account of illness. He is paired with the Senator from Maryland [Mr. SMITH]. I will let this announcement stand for the day.

Mr. CLARK. I ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK. I have a pair with that Senator and withhold my vote.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. KERN] and vote "nay."

The result was announced—yeas 14, nays 41, as follows:

## YEAS—14.

Brady  
Catron  
Cummings  
Fernald

Kenyon  
La Follette  
McCumber  
Myers

Nelson  
Norris  
Page  
Poindexter

Sherman  
Works

## NAYS—41.

Bankhead  
Beckham  
Brandegee  
Bryan

Chamberlain  
Culberson  
Fletcher  
Gallinger

Hitchcock  
Hollis  
Husting  
James

Jones  
Kirby  
Lane  
Lea, Tenn.

Martin, Va.	Ransdell	Smith, S. C.	Vardaman
McLean	Robinson	Smoot	Wadsworth
Martin	Shafroth	Sutherland	Walsh
Oliver	Sheppard	Thomas	Williams
Overman	Shields	Thompson	
Penrose	Slimons	Tillman	
Pomerene	Smith, Ga.	Townsend	
NOT VOTING—41.			
Ashurst	Goff	Lippitt	Smith, Mich.
Borah	Gore	Martine, N. J.	Sterling
Broussard	Gronna	Newlands	Stone
Chilton	Harding	O'Gorman	Swanson
Clapp	Hardwick	Owen	Underwood
Clark	Hughes	Phelan	Warren
Colt	Johnson, Me.	Pittman	Watson
Curtis	Johnson, S. Dak.	Reed	Weeks
Dillingham	Kern	Saulsbury	
du Pont	Lee, Md.	Smith, Ariz.	
Fall	Lewis	Smith, Md.	

The VICE PRESIDENT. The ruling of the Chair is not sustained by the Senate, and the point of order against the amendment is sustained.

Mr. JONES. Mr. President, in pursuance of the notice I gave a few days ago, I desire to move that the third clause of Rule XVI, prohibiting general legislation on an appropriation bill, be suspended in order that I may offer an amendment prohibiting the use of the mails to carry liquor advertisements into States where by their laws they have prohibited such advertisements.

I simply wish to say, Mr. President, that the amendment I intend to propose is the Bankhead bill, and it is in exactly the terms it passed the Senate a few days ago after consideration. The matter was reported by the Committee on Post Offices and Post Roads, considered in the Senate, amended, and put in shape, and passed without debate. The amendment was also reported by the committee here as a part of this bill, but went out on a point of order. It was clearly subject, I think, to a point of order. So I make this motion.

I can not see how there can be any serious opposition to it. It is simply intending to prevent the use of the mails in violation of the laws passed by the different States. It is not a matter of prohibition. It is a matter, in my judgment, even greater than prohibition. It is a matter involving the integrity of the laws passed by the different States and involves preventing the United States Government from allowing one of its agencies to be used as a means for the violation of the laws of those States. I can see no justification for anything of that kind, and I can not conceive why there should be any opposition to this proposition. The Senate has expressed itself very decidedly upon it.

On account of the press of business, of course, and the important measures that are being considered, it is very doubtful if it would be enacted into law as a separate measure; but if it is put on this bill I have not any doubt but that it will be enacted into law. If it should go to conference, I have no doubt the conferees would be able to work out the matter in good shape.

This is all I care to say at this time on the motion.

The VICE PRESIDENT. The Senator from Washington moves to suspend clause 3 of Rule XVI for the purpose of introducing an amendment in accordance with the notice which he has heretofore given. The question is on agreeing to the motion.

The motion was agreed to.

Mr. JONES. I present the amendment as a new section to the bill.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add a new section to read as follows:

SEC. 1. That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed: *Provided*, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. REED. I should like to ask what the penalties are. I

have just entered the Chamber, and I should like to have a moment to examine the amendment.

The VICE PRESIDENT. The penalty is not more than \$1,000 fine and imprisonment not more than two years, or both.

Mr. REED. Just a moment. The amendment has not been printed, I think, yet.

The VICE PRESIDENT. The clerks at the desk are sending the Senator a printed copy of the amendment.

Mr. REED. Mr. President, I suppose under the terms of the amendment, if a newspaper carried a liquor advertisement and the newspaper was printed in territory where the sale of liquor was permitted, the proprietor of the paper who sent a copy of it into a State where liquor sales were prohibited could be sent to the penitentiary for not more than five years. Is that the intention of the author of the amendment?

Mr. JONES. He could be sent to the penitentiary not more than a certain time. Of course, the judge would take into account all the conditions, knowing the situation. I wish to say to the Senator that the amendment is in exactly the terms of the bill that was considered in the Senate some time ago and which passed the Senate without debate. It has not been changed in any particular from the action of the Senate at that time.

Mr. REED. Mr. President, I wish to make myself plainly understood in regard to this matter. I am in favor of all reasonable legislation that will enable States that have prohibited the sale of liquor—

Mr. JONES. I think I misunderstood the Senator or the Senator did not understand the amendment fully. It does not prohibit the sending of an advertisement into a State where the sale of liquor is prohibited solely, but where such advertisements are prohibited; that is, there are certain States which have prohibition against the sale of liquor, but no prohibition against advertisements. In a case like that there will be no prohibition against the sending of liquor advertisements.

Mr. REED. Well, it gets to this: That if a State of the Union has prohibited the sale of liquor and has prohibited advertisements of liquor, and if a newspaper publisher located in another State, where the sale and advertisement of liquor is permitted, should send a copy of his paper into the dry territory referred to, he might be sent to the penitentiary for five years for sending a single copy of such a paper into that territory.

Mr. President, I am prepared to vote for every reasonable measure that will enable the people of a State when they have prohibited the sale of liquor within the State to enforce their law and to protect their territory against interference from the outside.

Mr. JONES. I suggest to the Senator he may not have noticed, as I think he came in while the amendment was being presented, that for the first offense it is imprisonment for not more than two years, and for a subsequent offense not more than five years.

Mr. REED. For the first offense not more than two years in the penitentiary at hard labor. That is a very gentle penalty. That ought to have been written by one of the gentlemen who burned witches in Massachusetts.

I repeat I will vote for any reasonable measure that will enable dry territory to protect itself against the flooding of that territory with liquors, but it seems to me when you propose to send the editor of a newspaper to the penitentiary for two years if a single copy of his paper is mailed into dry territory and somewhere in that paper there is a liquor advertisement you are proposing a measure that is absolutely barbarous. I do not believe that the Senator who is the author of this amendment, and I entertain the very highest respect for him, would propose to inflict a penalty of this kind if he would give the matter serious consideration.

If a fine was to be imposed, I would make no objection. If the paper was to be denied the right of the mails for some period of time and a penalty of that sort was inflicted, I would make no objection. But to propose to hale a man before a court and send him to the penitentiary for two years, a reputable and perhaps highly honorable editor of a paper, because a liquor advertisement which is perfectly legitimate for him to print in the State where his paper is published is printed and then a copy or a few copies of the paper sent into another State—to propose to send that man to the penitentiary for from two to five years is barbarous.

This law might apply in those States, too, where the law itself permits the shipping into the State of liquor by the inhabitants of the State. It might apply to a State having a law like that of North Carolina, where, if I remember the terms of the law correctly, each inhabitant of the State is permitted under the laws of the State to import two quarts of liquor, I believe it is,

every month and to drink it. Yet a State that permits that by its law might pass a law prohibiting liquor advertisements, and under that—I will not call names—the proprietor of any one of the great metropolitan papers of New York might be tried and sent to the penitentiary. Is the Senate prepared to do a thing of that kind?

I say, as I have said before, I hold no brief for the liquor interests. I am willing that every State in this Union shall pass a prohibitory law, if it so desires. I am willing that the United States shall do all that can in reason be done to protect that "dry" territory against "wet" territory. I would no more vote for a bill that proposes to send a man to the penitentiary for from two to five years because a single copy of a newspaper containing a liquor advertisement was mailed into "wet" territory than I would vote to send a man to the penitentiary for voting the Republican ticket. That suggestion came to me from the floor here, and it is a very good one.

There was a time in the world's history when if a man stole a loaf of bread the wise lawmakers of that day thought it was entirely appropriate to take him out and execute him, and they passed laws accordingly; there was a time when there were 200 crimes in England that were punishable by death; but humanity finally opened its eyes and concluded that brutal, cruel, and outrageous punishment did not make for the enforcement of law, and was not consistent with Christian civilization.

Two years in the penitentiary for a newspaper publisher whose paper, printed in a State where he has a right to print these advertisements, and a copy of that paper shall be sent into dry territory! Well, let us see how it will work. The District of Columbia has already been made very "dry," so far as the Senate's action is concerned. If the other House agrees to the bill which has passed this body, and it becomes a law, this would be "dry" territory; and it would be entirely proper, and we should at once expect the authors of this legislation to provide that no paper should be permitted within the District of Columbia containing liquor advertisements. If that should happen, and a man came to the Senate from a State like New York, where they permit liquor advertisements and the sale of liquor, and he had his home paper sent over here to Washington, the New York editor could be immediately indicted by a Federal grand jury, put on trial, and sent to the penitentiary.

The enactment of a law of that kind is a greater crime against civilization and against humanity than is the printing of a liquor advertisement and sending it into "dry" territory. I suppose I could not get a paper sent to me from my home State, for I apprehend most of them do print liquor advertisements. I have never examined their columns to find out, but I apprehend such advertisements are there. I suppose that nine-tenths of the Members of Congress could not get their home papers in the city of Washington.

Extreme and radical and cruel legislation never advances a great moral cause. It only produces reaction; it only arouses resentment in the end.

I wonder, while he was at it, why the Senator did not make the penalty death, and finally dispose of these wicked editors in the electric chair. You can undertake to aid a good cause by extreme and radical methods until you ruin the cause. The worst enemy any good cause ever has is the man who lays aside the guidance of reason, who allows prejudice to usurp the throne of judgment, and who thereupon proposes with fire and sword, with coercion, with the thumbscrew, the lash, the rack and coil to enforce his opinion. In a little while there comes reaction; and the reaction is likely to be visited not alone against the unjust penalties but upon the cause they were intended to bolster and aid.

Two years in the penitentiary! Why, under that law, let us see what could be done and what would be done. A great paper is printed in New York and has its subscribers all over the United States. It prints a liquor advertisement, soliciting, as all advertisements do, the purchase of the goods. It is sent to the State of Washington. I suppose the crime would be consummated within the State of Washington. A single copy of the paper is mailed to the State of Washington from the office to some old subscriber or to some New Yorker who is traveling out in that country, who is sojourning there temporarily. The grand jury in the State of Washington indicts the New York editor or publisher, and he is haled across the country, 3,000 miles or more, and is put upon his trial. If they can prove that he knew that that advertisement was in the paper and that he knew that the paper was going to be sent out to this list of subscribers, which embraced that name, he can be sent to the penitentiary for from 3 to 5 years!

It would be a good deal more consistent with right and fairness if it were provided that any man who read an advertisement

and then ordered liquor sent into "dry" territory should be punished. That requires an affirmative and positive act by a citizen of the State in violation of the laws of his own State, if it has a real prohibitory law.

The Senate may adopt this remarkable amendment, if it wants to do so—and I say again that I will vote for an amendment to protect "dry" territory with a decent penalty attached—the Senate may enact it; but, if they do, I suggest that the Senate copy the old blue laws of Connecticut, in order to save time here, and just enact them all as statutes of the United States.

Mr. JONES. Mr. President, I merely want to say a word, not that I think Senators here would be impressed with the argument of the Senator from Missouri [Mr. REED], but because anyone reading the RECORD, without noticing the terms of the amendment particularly, might be impressed with the suggestion that this is a barbarous measure. However, it simply provides that whoever shall knowingly send or cause to be sent such advertisements through the mails shall be punished. It does not provide that he shall be punished by imprisonment for two years, but simply provides that he may be punished by a fine of not more than \$1,000—and the fine may be made a dollar or one cent—or he may be imprisoned for the first offense not more than two years. He may be imprisoned for 30 days, he may not be imprisoned at all, the whole matter being left to the discretion of the court; and I think it is a very violent presumption that the court will impose the maximum penalty in all cases or in any of these cases, for that matter. Then, for the second offense the one found guilty may be imprisoned not exceeding five years. He may actually be imprisoned for only 30 days, or for one day, for that matter. So that I do not see anything especially harsh about the provisions of this amendment.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES. I yield to the Senator.

Mr. McCUMBER. I desire to ask the Senator a question for information. I do not know anything about the handling of newspapers, setting them up, and so forth—I refer to the great metropolitan papers—but we will take a paper printed, say, in Minneapolis or in St. Paul, Minn., one of the great dailies of the Twin Cities, in which liquor advertisements are carried. Suppose there were a half dozen liquor advertisements scattered over different portions of the paper—that paper would be printed, of course, for Minnesota and for those States in which it is proper to carry such advertisements—and suppose that my State prohibited the printing and circulation of liquor advertisements, how will the paper in Minnesota conform to the laws of the State of North Dakota under the provisions of this amendment? Will it have to first print the number of papers requisite for its Minnesota subscribers, and then, after cutting out the liquor advertisements, strike off the number of other copies necessary for North Dakota and for other States similarly situated?

Mr. JONES. That is what many of the daily papers are doing now. They are respecting the laws of the different States by doing that very thing. It may work some little hardship on them from one standpoint to have to do it, but they will have to comply, of course, with the terms of this provision, and anyone who knowingly sends his paper into a State where liquor advertisements are prohibited is guilty of violating this provision, if it shall become a law. We have used extra precautions in the amendment to make sure that information will be furnished as to territory where such advertisements are prohibited by inserting a proviso reading as follows:

*Provided*, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors.

I do not know just what steps newspapers will have to take in order to keep themselves within the law. They may be put to some inconvenience, that may be true, but I am reliably informed that some of the great daily papers now, as I said a moment ago, prepare their editions for certain States where liquor advertisements are not prohibited, and then they cut them out and print another edition for circulation in States where such advertisements are prohibited.

I desire to call the attention of the Senator to the fact that more than one-half of the daily newspapers in the United States to-day absolutely refuse liquor advertisements. They have that much respect for the laws of the various States that, without the compulsion of an act of Congress, over one-half of the daily newspapers refuse to print liquor advertisements.

Mr. McCUMBER. Mr. President, before the Senator takes his seat, I should like to ask him another question. There are,

as the Senator knows, a number of clipping bureaus, as they are called, that send out clippings to different Senators and Representatives, as well as to others, both from papers printed in their respective States and from papers printed in other States, covering matters which they may deem of interest to them. Suppose, in sending out a clipping from a New York paper which carries liquor advertisements, there happens to be on the reverse side of the clipping intended to be sent out a liquor advertisement, would not the person sending that clipping be subject to punishment in the penitentiary for a couple of years for sending out that matter?

Mr. JONES. The Senator can construe this language just as well as I can.

Mr. McCUMBER. I have not read it carefully.

Mr. JONES. I will read it to the Senator. It provides that:

Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years, or both—

And so forth.

Mr. McCUMBER. I will assume that the agent of the clipping bureau happened to notice what was on the back of the article he was sending to a customer. In that case he would have to refrain from sending it if the customer lived in territory where liquor advertisements were prohibited, would he not?

Mr. JONES. He could make a copy of the article and send it in that form.

Mr. McCUMBER. If he wanted to send that clipping, he would have to send a statement that he himself had copied from the paper on a typewriter?

Mr. JONES. I think so.

Mr. McCUMBER. Let me ask the Senator another question. I believe pretty strongly in prohibition laws and have tried to support such measures on all occasions; but does not the Senator think that the punishments prescribed here are rather excessive? It strikes me in that way.

Mr. JONES. I will say to the Senator that I do not think it is excessive. I have more confidence in the courts than to fear an oppressive administration of this provision, if it shall become a law, when the discretion is left with the court. There is not even a minimum penalty prescribed, but simply a maximum penalty. The court can make the fine \$1 or the court can make the imprisonment one day, or the court need not impose any imprisonment at all. It is very usual for us to prescribe a minimum penalty, but we have not done so in this case.

Mr. McCUMBER. Does not the Senator feel—

Mr. JONES. Personally, I will say to the Senator, that I would not seriously oppose, so far as I am concerned, making the penalty for the first offense one year and the maximum penalty for the second offense two years; but I do not see any objection about the provisions now contained in the amendment, which the Senate has already passed upon and adopted. But, as I have said, personally I would not make any serious opposition to a reasonable reduction of the penalties provided. I have, however, the utmost confidence in the courts exercising, in a fair and reasonable way, the discretion that we propose to give them.

Mr. McCUMBER. Mr. President, I regret to say that I have not always confidence in the courts that they will exercise their judgment with a proper degree of mercy. I have seen too many excessive judgments not to feel that courts very often do great injustice where they are allowed wide discretion. I think it would be far better that we would place the maximum punishment down to the point where we think it would never be unjust, and could not be used in an unjust manner.

Mr. JONES. The Senator understands that the amendment is before the Senate and subject to amendment.

Mr. VARDAMAN. Mr. President, the objection urged to the bill by the senior Senator from North Dakota [Mr. McCUMBER] can very easily be met and overcome by reducing the maximum punishment. I am inclined to agree with the distinguished Senator from Missouri [Mr. REED] that it is never wise or expedient to provide excessive punishment. When the punishment is made extreme or unusual it renders it exceedingly difficult to enforce the law. It is the certainty of punishment that makes a law effective. I shall be very happy if the author of this amendment should accept an amendment making the punishment, say, 12 months.

Mr. JONES. Mr. President, if the Senator will permit an interruption, of course, the main thing is just what the Senator says, the certainty of the penalty; and if it would save time I should be perfectly willing to propose to strike out the two years and make it six months—

Mr. VARDAMAN. That is quite satisfactory to me, and I think the Senator is wise in taking that course.

Mr. JONES. And strike out the words "five years" and make that "one year."

Mr. VARDAMAN. Yes.

Mr. President, this amendment is but the crystallization of public sentiment which has grown up in this country as a result of the knowledge of the pernicious effect upon society of the whisky traffic. I personally am in favor of such a law. I do not believe that any traffic should be permitted the privilege of passing through the mails which we all know induces the people to acquire habits that we also know to be absolutely baleful. The excessive use of intoxicating liquors, which almost universally comes from conditions when it is easily obtainable, is hurtful to man physically and financially, mentally and morally. It is an evil without a mitigating incident. It is the one deadly drug into which the jewels of the heart's best love are dissolved and poured into the mouths of men to madden the brain and destroy the soul. It has caused more crime, heartaches, sorrow, poverty, and ruin, blighted more lives, frustrated more ambitions, caused more scalding tears to fall from the eyes of woman than all other agencies for evil in modern society. It is an enemy, malignant, untiring, sleepless, and unscrupulous, and I submit that this great governmental agency, the Postal System, ought to be denied to the newspaper that would sell its columns, prostitute its high purposes, and poison the otherwise good influences that flow from its dissemination to such a damnable and outrageous purpose.

A newspaper that holds money above morals, self above principle, and dividends of more value than a human soul is not entitled to any special consideration at the hands of the Congress of the United States. As has been said by the able and patriotic Senator from Washington [Mr. JONES], the better class of newspapers, those that are willing to give their best service for humanity and are content with moderate interests upon their investments, have already declined to take whisky advertisements at all. Yes, as I stated in the beginning, this amendment is but the crystallization of public sentiment—enlightened Christian public sentiment—which has grown out of the universal knowledge of the evils of the whisky traffic. I am in favor of doing everything within constitutional limitations necessary to discourage, hinder, or destroy the traffic in liquor. I regard it as an outlaw, an enemy to mankind, and if I can not strike it in the face I will hit it in the back—hamstringing it. I will do anything consistent with honor and duty as a United States Senator to get rid of it. If the newspapers insist upon a recognition of their rights at the hands of Congress, let them come to this body with clean hands. They can not make criminals of men, prostitutes of women, and orphans of children and then be heard to complain to the Senate of proscriptive laws.

As to the effect of such legislation in States that prohibit the circulation of newspapers containing liquor advertisements, I wish to say that I chanced to be in the city of Birmingham, Ala., some time ago, after the law in that State had gone into effect and before a similar law had been enacted by my own State. I saw the periodical Life, published in New York City, offered for sale at a news stand. I noticed the pages of this periodical very much blurred and marked up with a black pencil, and when I inquired what it meant I was told that the law prohibiting the sale of newspapers in Alabama containing whisky advertisements made it necessary to mark out the whisky advertisements. Mr. President, it made me very happy to see this. I think the highest end of government is the improvement of man, and if the man be improved the Government will share that improvement, and enlightened moral sentiment will right the laws of the land. Now, to meet the objection of the Senator from North Dakota, who spoke of clipping bureaus sending out matter, I will state to the Senator that it is a very easy thing for them to avoid violating the law if there happen to be whisky advertisements on the back of the clippings, to paste a piece of paper over the advertisement or mark it out with a black pencil.

Yes; this is a good law; it is right in principle, easy of execution, and its effect will be salutary. This amendment ought to be agreed to. Instead of being hurtful to mankind generally, as my good friend from Missouri has pictured in exceptional cases, it will afford protection for the weak and mark the straight and narrow path for erring humanity. "Lead us not into temptation" is the best part of the Lord's prayer. No man or woman has ever fallen unless they were tempted. And that law which removes the largest number of temptations is the wisest and the best.

I sincerely hope that the amendment may be agreed to, and I also hope that the Senator from Washington will see that the

amendment reducing the maximum punishment shall be incorporated in his amendment.

Mr. JONES. Mr. President, I offer an amendment to the amendment, on line 9, to strike out "two years" and insert "six months"; and in line 10, to strike out "five" and insert "one."

The VICE PRESIDENT. The proposed modification will be stated.

The SECRETARY. One page 2, line 9, it is proposed to strike out the words "two years" and insert "six months," and on line 10 to strike out the words "five years" and insert "one year."

Mr. MARTINE of New Jersey. Mr. President, I am glad the Senator has seen a little light. The mystery was to me, when the Senator's amendment was presented to me, that he had not proposed to decapitate the sender of every letter that might be written with reference to alcohol or to liquor.

I received a day or two ago a letter from a gentleman, a very dear and good friend of mine, a man of stability and character and standing in his community in my State, who is an importer and dealer in liquors. With reference to these propositions about sending advertisements through the mails, he asks: "What would become of me with my letterheads? Your bill proposes that a man shall not send a letter or a postal card or anything of that kind." He said: "I could not write a letter on a subject utterly and absolutely foreign to the liquor traffic that had my letterhead printed across the top, with a type of a champagne bottle, if you choose, without being amenable and subject to this arbitrary law." Unquestionably that is true.

It seems to me that this is a proposition of prohibition run mad. I say, seriously and earnestly, I can not understand the make-up of a man who is so bereft of all fairness and justice to his fellow men that he will propose such an arbitrary, un-American, and unjust proposition.

Mr. VARDAMAN. Mr. President, it is not my fault that the Senator can not understand it.

Mr. MARTINE of New Jersey. Well, I do not purpose to answer that. I may be stupid, but I do not think I am any more stupid than the Senator. I have more of humanity in my heart, I believe, than the Senator has, with all his boasts. Now, I say the Senator proposes to be the oracle for all humanity. He must have clean hands before attacking his fellow.

Mr. VARDAMAN. "Shake not thy gory locks at me."

Mr. MARTINE of New Jersey. There are States that prohibit the use of cigarettes. Why should not the Senator incorporate cigarettes in this amendment and provide that any man sending an advertisement of a package of cigarettes to another man in such a community should be sent to jail for a year and be subject to a fine of \$1,000? I abominate the habits that are indulged in by almost every Senator around me; and yet I would be the last man to arrogate to myself all of wisdom and judgment and knowledge and try to dictate to them their habits.

I say this is prohibition, rank, run mad, and wild. No thought of personal liberty, no thought of human rights, seems to enter the mind of the average prohibitionist. When he once starts out on the realm and path of prohibition, everything else must stand aside in order that this propaganda of theirs may be advocated.

I ask, Mr. President, suppose a man's wife, if you choose, knowing that there was a liquor advertisement in a paper, should choose to send to her husband a paper containing it, not knowing the penalty. Of course, ignorance of the law is no excuse, so the lawyers say, but I think there ought to be something to cover a condition of that kind. Suppose she sends an advertisement to her husband. Must she, because this advertisement in the paper, or this letter upon the letterhead, advertises liquors, wines, and the like, be subject to imprisonment and a fine of a thousand dollars?

Why, I can not imagine men in human form, men blessed as you have been with liberal surroundings, exercising since your boyhood your desires and your wants and your inclinations and your privileges under a free Government—I can not understand you now, having arrived at a state of manhood, arrogating to yourselves so much of wisdom and depriving your fellow men and fellow citizens of their privileges and their rights.

As I have said before, the wonderful and marvelous progress that has been made in these United States has never been made, nor could it ever have been made, on the narrow, miserable, sumptuary, flimsy platform of your prohibitory ideas. Great accomplishments, beyond compare in the world, have been the result in America, owing to liberal laws and the right and privilege for every man to worship God according to the dictates of his own conscience. Now, here on this late day a handful of men in fanatical communities propose to regulate the appetites,

the habits, and soon, I suppose, the clothing and dress of each man, woman, and child in America!

Mr. THOMAS. Mr. President, I am in sympathy with the general purpose of this measure, which is designed to enforce and compel the observance of State laws upon a very important subject. I voted for what was called the Bankhead bill when it passed the Senate some time ago, in obedience to what seemed to be my duty in the circumstances. Since then, however, I have received one or two letters from attorneys of standing and character, one of them a prohibitionist, calling my attention to the dangers involved in a sweeping measure of this sort.

This is a very sweeping measure, Mr. President. I can conceive of no bill or law more comprehensive in its terms than this. There is no exception whatever to it, and if it becomes a law in its present form its consequences may be more serious and more injurious in one direction than they may be beneficial in another. At the same time I realize that the making of exceptions in a proposed measure of this kind is an extremely dangerous thing to do.

Mr. President, this amendment provides that no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement, and so forth, shall be deposited in or carried by the mails of the United States. The Senator from New Jersey [Mr. MARTINE] gave an illustration just now, which is not an inapt one and which can be extended so as to cover a great many items of correspondence perfectly innocent in themselves, but which yet would subject the offender to indictment under the provisions of this law.

Suppose, for example, I should mail to my very good friend the Senator from Washington at his home in Washington, a pamphlet or a newspaper containing some item which, in my judgment, would interest him, or which interested me in sending it to him, but which should contain somewhere in its columns a liquor advertisement about which I knew nothing. I deposit it in the mails and he receives it. The existence of this advertisement might come to the notice of a post-office inspector, who, in the discharge of his duties, his zeal to enforce the law, his desire for promotion provided he successfully enforces it, would call the matter to the attention of the district attorney of the United States in the district in which I mailed this newspaper, and I am proceeded against. It is true I have not done it knowingly. It is true, therefore, that upon my ability to establish the fact that I have not done it knowingly, no jury would convict me. But, Mr. President, there is the proceeding, the indictment, a trial, the stigma which the criminal proceeding throws upon the object of it whether he be guilty or innocent, followed by a verdict of "Not guilty," trouble, time, humiliation, and expense.

It is true that the burden of proof in all criminal prosecutions is upon the people. Therefore it would be necessary for the people to show that this communication was knowingly sent; but that involves a trial. There can be no escape from it. It does not do away with the indictment and the consequent expense and humiliation which this statute was never designed to impose upon anyone.

I can not read this proposed amendment without coming to the conclusion that such an illustration as I have given is entirely within the purview of the law; and there are, as we all know, many people in the world having grudges against their fellow citizens who would be swift to take advantage of an opportunity of that sort to apply the processes of the law to an enemy, regardless of the consequences to him or to his family.

Mr. BORAH rose.

Mr. THOMAS. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, the illustration which the Senator gives seems to me to have much force; but the difficulty arises in making an exception under which the law would be of practically any force or effect at all.

Mr. THOMAS. I expressed that same idea a few moments ago. I think. I realize that; but the Senator is familiar with what is called the Mann Act—an act the purpose of which no man can gainsay; an act whose object is to protect the public morals, and particularly the virtue of women, yet that law is the basis of more blackmail, more injustice, and more infamy because of its misapplication in practical matters, because of the opportunities that it offers for blackmail, than any law that I know of upon the statute books, and I sometimes wonder whether the object sought to be subserved, and therefore the beneficial operation of the act in subserving it, brings as much good to society as the injury and injustice flowing from its misapplication.

I have no amendment to propose at present; but I believe when the Senator who introduced it is brought face to face with the possibility of wrong and injustice which may be the outgrowth of this law, as he has given it far more consideration than I have, he will agree to so modify it as to do away with

the danger which it seems to me is involved in the measure if it becomes a law.

Mr. NELSON. I offer an amendment to the amendment, and will briefly explain it.

Mr. JONES. Let me suggest to the Senator that I have offered an amendment to the amendment reducing the penalty.

The VICE PRESIDENT. The Senator simply modified, as he had a right, the amendment he offered.

Mr. JONES. Very well.

Mr. NELSON. I offer the following amendment, and it is offered for the purpose of relieving newspapers. This amendment is to come at the end of the section:

*Provided further,* That the provisions of this section shall not apply to newspapers published in States where such advertisements as aforesaid are not prohibited.

The purpose of the amendment is to relieve papers from the trouble of publishing two or three different editions. Take a paper published in a State, for instance, where liquor advertisements are not prohibited, and that paper circulates in other States outside the State of publication, it would have to publish different editions of the paper; in other words, if the paper circulates in dry States or States where such advertisements are prohibited, it has to publish a separate edition. The object of the amendment is to relieve newspapers that are published in a State where such advertisements are not prohibited from the operation of the law, to the end that they may not be burdened with publishing a number of editions.

Mr. SHAFROTH. Mr. President, I do not believe it is wise to adopt the amendment offered by the Senator from Minnesota, and the reason I do not is because there ought to be a uniform law with relation to the circulation of papers containing liquor advertisements. This is not a radical measure. It is a measure that is intended to enforce the laws of the States. If a State has made a law of that kind over which it has entire jurisdiction, it seems to me there ought to be an enforcement of it aided by the United States Government so far as the mail is concerned.

I have always thought that it was wrong for the United States Government to issue licenses for the sale of intoxicating liquors in a State where the laws of that State prohibit the sale. I do not see why the United States should lend itself in a matter of that kind to the sale of liquor. It is true that some hardship might arise in a case under this law, but the very amendment which the Senator from Washington has offered now provides that the penalty shall not be excessive where there is a single violation. In addition to that, there is no minimum provided. In other words, the fine may be 1 cent or the imprisonment may be for one day or nothing at all. No judge would impose a large fine unless the facts showed a deliberate attempt to violate the law. There is no question but that the States which have adopted such laws have had great difficulty in enforcing the provisions of their own State enactments, and it seems to me we ought to aid them in their enforcement.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota [Mr. NELSON] to the amendment of the Senator from Washington [Mr. JONES]. [Putting the question.] The yeas seem to have it.

Mr. REED. I ask for a roll call.

Mr. MARTINE of New Jersey. I raise the point of no quorum, Mr. President.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	Oliver	Smith, Md.
Beckham	Hitchcock	Overman	Smith, S. C.
Borah	Hollis	Owen	Smoot
Brady	James	Page	Sterling
Bryan	Johnson, S. Dak.	Pittman	Stone
Catron	Jones	Poindexter	Sutherland
Chamberlain	Kenyon	Pomerene	Thomas
Clark	Kirby	Ransdell	Thompson
Colt	Lea, Tenn.	Reed	Townsend
Culberson	McCumber	Robinson	Vardaman
Cummins	McLean	Shafroth	Wadsworth
Curtis	Martin, Va.	Sheppard	Watson
Fall	Martine, N. J.	Sherman	Works
Fletcher	Nelson	Simmons	
Gallinger	Norris	Smith, Ga.	

Mr. HOLLIS. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] and the Senator from Connecticut [Mr. BRANDEGEE] are absent on business of the Senate.

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is detained from the Chamber on account of illness. I make this announcement for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The Senator from Missouri [Mr. REED] has requested the yeas and nays on agreeing to the amendment of the Senator from Minnesota [Mr.

NELSON] to the amendment of the Senator from Washington [Mr. JONES].

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE] who is not present. Therefore I withhold my vote.

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Maryland [Mr. LEE] and vote "nay."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. CHILTON. Has the Senator from New Mexico [Mr. FALL] voted?

The VICE PRESIDENT. He has not.

Mr. CHILTON. I have a pair with that Senator and can get no transfer. If permitted to vote, I would vote "nay."

Mr. OVERMAN (after having voted in the negative). I notice that the Senator from Wyoming [Mr. WARREN], with whom I am paired, is absent. I transfer my pair with that Senator to the Senator from Illinois [Mr. LEWIS] and let my vote stand.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I am advised that he would vote if he were here as I would vote. Therefore I vote "nay."

Mr. CURTIS. I have a general pair with the junior Senator from Georgia [Mr. HARDWICK], who is detained from the Senate on account of illness. If permitted to vote, I should vote "nay." I withhold my vote because of the pair.

Mr. HARDING. I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. Because of his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. MYERS (after having voted in the negative). I am paired with the Senator from Connecticut [Mr. MCLEAN] and being unable to get a transfer I withdraw my vote. If at liberty to vote, I would vote "nay."

Mr. REED (after having voted in the affirmative). I neglected to announce the transfer of my pair. I allow my vote to stand, but transfer my pair with the Senator from Michigan [Mr. SMITH] to the senior Senator from Oklahoma [Mr. GORE]. I will allow this transfer to stand on all votes to-day.

Mr. OLIVER (after having voted in the affirmative). I observe that the Senator from Oregon [Mr. CHAMBERLAIN] has not voted. I have a pair with that Senator and therefore withdraw my vote.

The result was announced—yeas 11, nays 47, as follows:

YEAS—11.

Catron	La Follette	O'Gorman	Ransdell
Husting	Martine, N. J.	Pittman	Reed
James	Nelson	Pomerene	

NAYS—47.

Bankhead	Jones	Page	Swanson
Beckham	Kenyon	Poindexter	Thompson
Borah	Kern	Robinson	Tillman
Brady	Kirby	Shafroth	Townsend
Brandegge	Lane	Sheppard	Vardaman
Bryan	Lea, Tenn.	Sherman	Wadsworth
Clapp	Lodge	Shields	Walsh
Cummins	McCumber	Smith, Ga.	Watson
Fernald	Martin, Va.	Smith, S. C.	Weeks
Fletcher	Norris	Smoot	Williams
Gallinger	Overman	Sterling	Works
Hollis	Owen	Sutherland	

NOT VOTING—38.

Ashurst	Fall	Lee, Md.	Simmons
Broussard	Goff	Lewis	Smith, Ariz.
Chamberlain	Gore	Lippitt	Smith, Md.
Chilton	Gronna	McLean	Smith, Mich.
Clark	Harding	Myers	Stone
Colt	Hardwick	Newlands	Thomas
Culberson	Hitchcock	Oliver	Underwood
Curtis	Hughes	Penrose	Warren
Dillingham	Johnson, Me.	Phelan	
du Pont	Johnson, S. Dak.	Saulsbury	

So the amendment to the amendment was rejected.

Mr. THOMAS. Mr. President, in the interval occupied by the consideration of the last amendment I have endeavored to frame an amendment which I thought might meet the objections which I have just urged to the bill; but the subject is too complicated and involved to admit of summary treatment. I shall not therefore attempt at this time to offer an amendment, but I earnestly hope that the Senator who introduced the amendment will consider the criticism which I have made of it, and meet that possible danger, if it is possible, in the ultimate framing of the proposed measure.

Mr. JONES. Mr. President, of course that matter will be in the hands of the conference committee, of which I will not be a member.

Mr. THOMAS. I appeal to the Senator himself, because I suppose he has given the matter more consideration than has any other Member of this body, and I am sure he is therefore more competent to deal with the immediate subject, certainly, than I am, and I think, perhaps, than are the members of the committee.

Mr. MARTINE of New Jersey. I desire to offer the following amendment to the amendment proposed by the Senator from Washington [Mr. JONES]:

*And be it further enacted,* That it shall be unlawful for any person to deposit in the United States mails any advertisement of cigarettes in any form or character whatsoever under a penalty of a fine of not less than \$25 for each such offense. This shall be understood to include newspapers, periodicals, magazines, and letters.

I do not suppose that this amendment will be adopted. I think, however, if there is an enormity it is the cigarette habit, which has obtained so fast a hold on the people of this country. Miserable, puny, sickly specimens of boys are seen sucking on the ends of these miserable cheroots and spitting their lives away. I feel that a penalty should be imposed to prevent the encouragement of the habit. I trust that these splendid specimens of humanity who are advocating prohibition will stand up like men and vote to save the rising generation from the iniquity of tobacco smoking and from the horrors of the poison of nicotine. [Laughter.]

Mr. VARDAMAN. Mr. President, those of us who have been characterized so splendidly by the peripatetic statesman from New Jersey admit all the good things he has said about us, but we can not vote for his amendment.

Mr. MARTINE of New Jersey. Of course, you can not. It is a personal habit that has its fangs so deep in you as to be a part of you. [Laughter.] I am not pleading with or hoping to save you; you are joined to your idols and are past redemption; but I am looking to save the rising generation that will take your place in Mississippi and your place in Washington and mine in the reasonable near-by. [Laughter.]

I hear men say, "Why, I can not live without it." Tobacco has never polluted my lips either by smoking or chewing or snuffing, by cigarette or cigar, or in any other way. I have managed to live without it.

Mr. VARDAMAN. You fuss, though.

Mr. MARTINE of New Jersey. Well, perhaps I do; but I do not think so. However, I do say seriously, if you are going to reform the world, let us start right. We have started to reform Washington; a little while ago we reformed far-off Alaska; and a day or two ago we even undertook to reform the islands in the Pacific. Nothing has been safe. There is one thing thus far, however, that you have not touched.

Mr. REED. Tobacco.

Mr. MARTINE of New Jersey. Of course; tobacco. You have not touched tobacco, for that affects you all.

Mr. President, I saw in a newspaper the other day that there is an invention of some sort of an electrical appliance—I think it is an emanation from Edison's brain—by which you can tell a man's impulses, what he is going to do next. I have thought how I would like to apply it to these prohibitionists. I wonder what will come next. My thought is—and I hate to give the idea to you, for I verily believe you will go off on a tangent to it—there is one planet, thank God, that thus far the prohibitionists, these caretakers of humanity, have not sought, a realm some distance off—but distance does not seem to count—I commend you to the planet Mars. [Laughter.]

Mr. JONES. Mr. President, in reference to the amendment of the Senator from New Jersey I simply wish to say that I should be glad, indeed, to join with him in the consideration of that measure as an independent proposition; but I hope that it will not be put onto this bill.

Mr. MARTINE of New Jersey. Oh, yes; let us put it on. I trust the Senate will put it on. The Senator knows his power. Now, write it in or write it out.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Jersey.

Mr. REED. I call for the yeas and nays, Mr. President.

Mr. MARTINE of New Jersey. Yes; let us have a roll call.

Mr. SMITH of South Carolina. Oh, no.

Mr. MARTINE of New Jersey. You raise tobacco in South Carolina; but I say oh, yes, let us have a roll call.

The yeas and nays were ordered.

Mr. CATRON. Mr. President, before the roll is called I should like to have the amendment stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the end of the amendment offered by the Senator from Washington [Mr. JONES] it is proposed to insert:

*And be it further enacted,* That it shall be unlawful for any person to deposit in the United States mails any advertisement of cigarettes in any form or character whatsoever under a penalty of a fine of not less than \$25 for each such offense. This shall be understood to include newspapers, periodicals, magazines, and letters.

Mr. MARTINE of New Jersey. Mr. President, I desire to say right here that ordinarily it would not be in my heart to vote for such a sumptuary proposition as this; but I am going to vote for it, because I want to test out these humanitarians.

Mr. BRYAN. Mr. President, this amendment has been offered and the yeas and nays have been ordered upon it. I hope that after the amendment is disposed of we may have no more filibustering on this appropriation bill. It is necessary to get through with it; and I hope Senators will restrain themselves and let us devote ourselves to matters of real concern that have some application to this bill.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Making the same transfer of my pair as on the last vote, I vote "nay."

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is absent. Not knowing how he would vote on this question if he were present, I withhold my vote.

Mr. COLT. Making the same announcement as heretofore with regard to my pair, I withhold my vote.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK] and therefore withhold my vote.

Mr. HARDING (when his name was called). Repeating my announcement as to the absence of my pair, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. LA FOLLETTE. I can not vote for this amendment upon principle, and I can not vote against it without casting a vote affecting my own interest, and therefore I decline to vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who, I notice, is absent. I am unable to secure a transfer, and therefore withhold my vote.

Mr. OLIVER (when his name was called). On account of my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], I refrain from voting.

Mr. OVERMAN (when his name was called). Making the same announcement as to the transfer of my pair as heretofore, I vote "nay."

Mr. SMITH of Maryland (when his name was called). In the absence of my pair, I withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. Not seeing that Senator in the Chamber, I withhold my vote.

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. WILLIAMS (when his name was called). I inquire whether the Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDING OFFICER (Mr. BECKHAM in the chair). He has not voted.

Mr. WILLIAMS. I transfer my pair with that Senator to the Senator from Maryland [Mr. LEE] and vote "nay."

The roll call was concluded.

Mr. MYERS. I find that I can transfer my pair to the Senator from Texas [Mr. CULBERSON], which I do and vote "nay."

Mr. CHILTON. I announce my pair as on former votes. I have been unable to secure a transfer, and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from North Dakota [Mr. GRONNA] is paired with the Senator from Maine [Mr. JOHNSON].

The result was announced—yeas 16, nays 38, as follows:

YEAS—16.			
Ashurst	Hollis	Martine, N. J.	Reed
Cummins	Kenyon	Norris	Thompson
Gallinger	Kirby	Pittman	Tillman
Hitchcock	Lea, Tenn.	Poindexter	Walsh
NAYS—38.			
Bankhead	Hughes	Owen	Sutherland
Beckham	James	Page	Swanson
Borah	Jones	Pomerene	Townsend
Brady	Kern	Ransdell	Vardaman
Brandegree	Lane	Robinson	Wadsworth
Bryan	Lippitt	Shafroth	Watson
Catron	Lodge	Sheppard	Weeks
Chamberlain	Martin, Va.	Sherman	Williams
Fernald	Myers	Simmons	
Fletcher	Overman	Smoot	
NOT VOTING—42.			
Broussard	Gore	McLean	Smith, Md.
Chilton	Gronna	Nelson	Smith, Mich.
Clapp	Harding	Newlands	Smith, S. C.
Clark	Hardwick	O'Gorman	Sterling
Colt	Husting	Oliver	Stone
Culberson	Johnson, Me.	Penrose	Thomas
Curtis	Johnson, S. Dak.	Phelan	Underwood
Dillingham	La Follette	Sausbury	Warren
du Pont	Lee, Md.	Shields	Works
Fall	Lewis	Smith, Ariz.	
Goff	McCumber	Smith, Ga.	

So the amendment of Mr. MARTINE of New Jersey to the amendment was rejected.

Mr. REED. Mr. President, I offer the amendment which I send to the desk, to be inserted after the word "addressed," in line 16, page 2, of the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 16, after the word "addressed," it is proposed to insert:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, and whoever shall within any such State or Territory knowingly purchase, drink, consume, or use any such liquors so transported in interstate commerce, shall be punished as aforesaid.

Mr. REED. Mr. President, I am offering this amendment in absolute earnestness, and I hope it will receive the serious consideration of Members of the Senate, particularly of those Members who have so long endeavored to obtain national legislation in aid of the prohibitory legislation of various States.

Hitherto we have dealt with that question along the line only of reaching the manufacturer or the vendor of the liquor. We have sought to penalize them for the manufacture or for the sale. We are now, by the Jones amendment, asked to take an additional step. We are asked to provide that a newspaper editor who may print a liquor advertisement can be sent to the penitentiary if a single copy of his paper, with his knowledge, is sent by him or by his orders into any State or Territory where the sale of liquor is prohibited, and where advertisements of that character are prohibited. The amendment seeks to suppress the liquor business by penalizing a class of men not interested in the liquor business, men who simply run newspapers or periodicals, and who print advertisements at a place where it is perfectly legitimate for them to print such advertisements. We are not dealing with either the culprit who sells or the culprit who consumes. We propose to punish a man who may, without any evil motive, and in the ordinary conduct of his business, print an advertisement.

Mr. President, there never was a drunkard made in this world unless there were two parties to the making. The man who sells the liquor is one party and the man who drinks the liquor is the other party. It is now proposed to protect dry territory against wet territory by prohibiting the shipment of liquor from the wet territory into the dry territory. It is proposed to supplement that by sending to the penitentiary a newspaper editor who may print an advertisement in wet territory and then allow that advertisement to be sent into the dry territory. Yet, Mr. President, there are plenty of so-called prohibition States that have by law provided the means and manner by which citizens of those States shall employ interstate commerce for the purpose of supplying themselves with an abundance of liquor.

The State of North Carolina is distinguished by such a law. Under the laws of that State they have solemnly provided that each inhabitant of the great Commonwealth can obtain in interstate commerce 2 quarts a month, which, of course, is a moderate allowance for a North Carolinian. [Laughter.] It embraces every member of the family; so that the proud parent of a Rooseveltian brood of 12 could easily have 24 quarts sent in every 30 days, and thus provide an average of about a quart a day for the head of the family. I am speaking now with all re-

spect of North Carolina; I single it out not because it is worse than other States, but because it represents a type. So that the State of North Carolina, having prohibited the manufacture and the sale of liquor within the State, upon the ground that liquor destroys the souls and bodies of its people, has by law directly provided that interstate commerce may be employed to accomplish the very evil it has prohibited. Moreover, the money of the people of the State is employed to tempt men in other territory to engage in the nefarious business of manufacturing the deadly poison.

I propose in this amendment to protect the good people of the State of North Carolina and of all other prohibitory States from all liquor shipments from other States. I propose that when a State shall have passed a law prohibiting the manufacture and sale within its borders of liquors or intoxicating drinks of any kind, the Government of the United States shall throw its protection around that State, and shall say that it shall not be deluged with liquor shipped in interstate commerce. I propose that we shall reach the man who makes the liquor and ships in the liquor. Then I propose that we shall reach the man who causes it to be sent in by purchasing it and using it.

I maintain that if we are to proceed with this legislation in good faith we ought by law to stop the shipment of intoxicating liquor into dry territory; and in order to do it effectively we ought to reach not only the man who sells but the man who buys; not only the man who produces but the man who consumes. We ought to reach both parties to the transaction. When we do that we will have real prohibition within States that desire real prohibition. In no other way will you ever get it. Why, then, should we not adopt the amendment? What man who is against the evil of drink, what man who really believes that liquor is an unmixed evil, what man who desires to protect the youths as well as the adults of a State can say that this law will not make for temperance, for sobriety, for actual and absolute prohibition?

Mr. President, nearly all of the so-called prohibitory States forbid the manufacture and sale of liquor within the State, and then to a large degree nullify the effect of the State law by permitting the citizens of the State to import liquor in either limited or unlimited quantities from other States. If there is no limitation, then, of course, the State can be literally filled with liquor from outside its borders. If there be a limitation, it is generally placed at 2 quarts per month, and always enough individuals can be found who are willing to order liquor, so that an abundant supply is constantly on hand. The result is that many of the evils of intemperance are perpetuated, and in some cases aggravated. What man is there so ignorant that he does not know that in those States where citizens are permitted to import 2 quarts every month, or where they are permitted to import unlimited quantities, that the liquor is to a large extent acquired by bootleggers, by keepers of blind tigers and dives, and that it is generally brought within the reach of all who desire it? Besides, the individual acquiring liquor from abroad and drinking it injures himself quite as much as if he were to purchase the liquor openly within his own State. I recently visited the State of North Carolina, where I was most pleasantly entertained by a splendid people. I was told the 2-quart law worked in this wise: That when the train arrived anywhere from a half dozen to 50 negroes would be at the express office to get their consignment of 2 quarts, and that all any man had to do in order to get an unlimited supply of liquor was simply to employ a few colored boys around town who would regularly every month order 2 quarts each in their names, and then turn it over to the individual who furnished the money in advance or to some other thirsty inhabitant, who repurchased at an advanced price, the transaction usually taking place in an alley or behind a barn.

Mr. BORAH. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.  
Mr. BORAH. The first part of this amendment seems to me to be within the power of Congress to enact; but does the Senator think that we can go into a State and punish a man for buying liquor and drinking it, an act wholly within the State and not related to interstate commerce?

Mr. REED. If the Senator will read the amendment, he will see that it is based upon the idea that the liquor must have been procured in interstate commerce, and it is made a crime to transport it in interstate commerce. Now it is proposed to make it a crime to use in a State that which came into the State in violation of a law of Congress.

Mr. BORAH. I am sure that the first part of the amendment is not vulnerable to attack from the constitutional standpoint, but it seemed to me worthy of discussion and considera-

tion, at least as to whether or not, after liquor had been transported into a State and had become mixed and identified with the property of the State, as it could be under this amendment, we could prohibit any individual within the State from buying it or drinking it.

Mr. REED. I call the Senator's attention to the fact that the language of the amendment first prohibits the shipment into the State, and makes it unlawful so to ship it. Therefore the thing gets into the State unlawfully. It gets there in violation of a statute. The second clause of the amendment is to the effect that whoever shall knowingly purchase or consume that liquor which came into the State in violation of a Federal statute shall be guilty of a violation of law. I have not the slightest doubt that the Congress can reach that far.

Mr. BORAH. If the Senator will strike out the latter part of the amendment, I would be disposed to favor it.

Mr. REED. The latter part of the amendment is the soul of the amendment.

Mr. BORAH. Well, I am afraid we can not reach the soul that would be consuming liquor. [Laughter.]

Mr. REED. I have not a doubt of it. I have not the slightest doubt that you can provide that whoever shall steal property and transport it into another State shall be guilty of a violation of a Federal statute, and that whoever within that State, knowing the property to be stolen and transported in violation of law, shall purchase it or conceal it, shall be guilty of an offense against the Federal Government.

Mr. BRANDEGEE. Mr. President, will the Senator from Idaho let me ask a question for my own information? Suppose the United States has a statute making it a crime to smuggle goods into this country. Is there any doubt that Congress would have power to say that any person within any State who knowingly purchased those smuggled goods should be guilty of a crime?

Mr. REED. I think the illustration offered by the Senator from Connecticut is very pertinent.

Mr. BORAH. Let me ask the Senator from Connecticut this question: Suppose we prohibit the shipment of liquor from one State to another. That we undoubtedly have the power to do. But suppose, notwithstanding the prohibition, the liquor is actually transported into the State, and the Senator or some friend goes into a drug store and calls for a pint of liquor; does the Senator claim that the Congress of the United States can reach the man who thus gets that liquor?

Mr. BRANDEGEE. Mr. President, it would seem to me that they could if the man knowingly purchased the liquor after Congress had said it was a crime to knowingly purchase liquor that was brought from one State into another in violation of the Federal law; but I am not certain about it. I merely suggested the analogy.

Mr. BORAH. Of course, if that can be done, Mr. President, you can reach every possible crime that could be committed with reference to property through the National Government, because practically all property in this day and age passes from one State to another. The property is manufactured in one State and sent to another—different kinds of property, and so forth. I have no doubt at all but that you could join these men in a conspiracy to violate the law and in that way hold one man for the act of another, but this provision does not undertake to do that at all. It simply prohibits the shipment of the goods into the State and then says that, nevertheless, if they are shipped in, the party who uses them shall be guilty of a crime. I think that is a very doubtful proposition.

Mr. REED. The first clause of the amendment goes further than the mere prohibition of the shipment of the goods into the State. It makes it a crime to ship the goods into the State. The language is:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, and whoever shall within such State or Territory knowingly purchase, drink, consume, or use any such liquors so transported in interstate commerce shall be punished as aforesaid.

So it is made a crime for any person to cause these liquors to be shipped into the State. Then it is proposed to make it a crime for any person within the State to use these liquors or purchase these liquors knowing that they were sent into the State in violation of the laws of the United States. The illustration offered by the Senator from Connecticut points in the clearest way to the existence of this right. It can not be doubted that the United States, having made it a crime to smuggle goods into the United States, can also provide that any person who shall knowingly receive, conceal, or purchase goods so smuggled shall be punished.

It is admitted ever since the recent decision of the Supreme Court in the West Virginia case that Congress has the absolute power to prohibit the shipment of liquor from one State to another State.

Mr. BRANDEGEE. Will the Senator from Missouri let me ask him this question? I do not know what the fact is, but is it not true that the laws of the United States prohibit the sending of obscene literature through the mails? Does it not also make it an offense against the laws of the United States for any person to have in his possession obscene literature so transmitted through the mails? I am not sure about it.

Mr. REED. The Senator has asked me a question that I can not answer; I have not examined that statute; but I would say beyond any doubt the right exists. It may be a far-reaching right the very able lawyer, the Senator from Idaho, has suggested, but we are finding every day that the interstate-commerce power of the Federal Government is a most far-reaching one.

Mr. LODGE. Mr. President—

Mr. REED. I yield.

Mr. LODGE. Under the law prohibiting obscene publications from the mails, to which the Senator from Connecticut just referred, certainly the Government can follow that publication through the mails and it can cause the arrest of the receiver as well as the sender. If they find there is traffic between two given points, they can go into the State and interfere with the person who is in the habit of receiving those publications.

Mr. BORAH. That is because the Government proves a conspiracy, but I should like to see the authority—I do not say it does not exist, but it would be interesting to see the authority—that would hold that if A sends obscene literature to B—B being no part and parcel of the conspiracy, but simply receiving it as it was sent to him—the National Government could reach within the State and arrest the individual and punish him. I think it is a very doubtful proposition. I think the act must relate to interstate commerce.

Mr. REED. Mr. President, that is not the case here. Let me state this matter again. Ever since the decision of the Supreme Court in the West Virginia cases all doubt has been removed as to the right of the Federal Government to absolutely prohibit the shipment of liquor in interstate commerce. That decision declared that liquor is in a class by itself, subject to rules peculiar to that particular class. In the broadest possible way it declared that Congress has the absolute right to prohibit the shipment and to affix penalties for a violation. If we have a right to prohibit the shipment, then we have the right to everything which is incident or necessary to the enforcement of that right. Our rights are not limited, therefore, to a punishment of the man who puts goods that belong to himself on the cars at a place where he has a right to put them upon the cars and consigns them to some place where the liquor, under the law of Congress, can not be delivered, but we have a right to prohibit the express companies from delivering the goods, because that act of delivery if permitted tends to defeat the purpose of the law. In like manner, we have the right to prohibit a man from buying the goods to be sent in violation of law just as we have the right to prohibit a man from selling the goods which go in violation of the law.

If you have the right to go that far, then in order to make the law effective you surely have the right to say that no man shall knowingly connive at or assist in the breaking down of the law by purchasing a thing which has reached the place where he is by violating a Federal statute.

So I say I entertain no doubt of this power, and I say now to Senators if we are going to proceed with this class of legislation, if we are to undertake now to protect dry territory from wet territory, if we are to undertake to protect the morals of the family against the evil which comes from intoxicating liquor, and to do that by stopping interstate shipment by preventing advertisements being sent through the mails, let us be fair and bold and honest about it; let us prohibit the sending of the liquor itself. Let us also reach both parties to the transaction—the buyer who imports the liquor as well as the vender and shipper of the liquor. Let us say to a State which prohibits the manufacture and sale within its own borders of intoxicating liquor, "You can not employ interstate commerce in the degrading business you have forbidden within your own borders."

Let us say to the dry States, "You can not use a power reserved to the Federal Government for the purpose of defeating the object of your own laws." Let us also say to the man who resides in a dry State, "You can not employ interstate commerce to accomplish the very evil your own State has sought to abolish."

I can not conceive how any good prohibitionist can vote against this proposed amendment. I can not conceive how those who advocate and support the amendment of the Senator from Washington, which proposes to send a newspaper editor to the penitentiary if he mails into dry territory a single copy of his paper which happens to contain a liquor advertisement, can refuse to penalize a citizen of the dry State who deliberately causes a shipment of the liquor itself into the dry territory. The worst you can say of the editor is that he has furnished to the individual of a State information where liquor can be purchased, but that information can do no harm unless the citizen of the State proceeds to purchase the liquor. Of the two, the man who buys the liquor is more guilty than the man who by a newspaper advertisement furnishes information where liquor may be purchased. Besides, the editor prints his paper in a State where the advertisement is a legitimate business, whereas the citizen of the dry territory orders liquor sent into his State, where the manufacture and sale of liquor is declared to be illegitimate. If we pass my amendment, the law will then reach not only the advertiser of the liquor and the vender of the liquor but it will reach the purchaser, and it will prevent the shipment of liquor. Thus we shall reach the evil itself.

The law will be strong enough so that the shipment of liquor into dry territory will cease and the people of States that have enacted prohibitory legislation will have real prohibition. If the Government of the United States will prohibit the citizens of States that have adopted prohibitory legislation from importing liquor into the State, prohibition will become an achieved fact, unless the States themselves fail to enforce their own laws. It is very easy for a State to stop the manufacture of liquor within its borders, but it is almost impossible for a State to stop the sale of liquor within its borders if its citizens are permitted to employ the instrumentalities of commerce to flood the State with liquor made elsewhere. The greatest difficulty with which dry States labor is to guard their borders against the shipment of liquor from outside points.

Now, why not meet this question fairly by saying to the man who sends liquor into dry territory, "You shall be punished for sending it," and by also saying to the man who connives at having it sent there and who helped to have it sent there, who proposes to consume it there, "You shall not employ interstate commerce to negative and defeat the purpose of the laws of your own State."

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. CUMMINS. I am quite interested in the point suggested by the Senator from Idaho [Mr. BORAH]. I suggest to the Senator from Missouri that he might find some precedent possibly for the legislation in the pure food and drug act, which I will read, and that law has been sustained by the Supreme Court. The second section of the original act provides:

That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor.

I thought possibly the Senator would find some parallel in that legislation.

Mr. BORAH. I have no doubt about that law at all, although I think it was only sustained by a divided court.

Mr. CUMMINS. That may be.

Mr. BORAH. But the Senator from Iowa and the Senator from Missouri will observe that this proposed law omits the proposition which that law very carefully retains. I have no doubt that we can pass a law, and I am in favor of the law; I think it is a wise law to prohibit the shipment of liquor from a State into dry territory, and I have no doubt that you can punish any combination of men who organize a conspiracy to break the law, and if one of the individuals or more of them happen to be in dry territory he could be punished for the conspiracy having for its object and purpose the violation of the law; that is, having for its object and purpose the shipment of the goods into the dry territory.

But the thing that we are seeking to do by this amendment as it now reads is to prohibit the shipment of liquor into the dry territory, and then, without connecting through combination or conspiracy the different individuals who are found there, undertake to punish the man who may find some in that dry territory and drink it. That is a distinct, substantive, settled crime, all of which is committed within the dry State. It has nothing to do with the original package; it is not confined to the use of the stuff while it is still in interstate commerce or interference with it while it is still in interstate commerce.

Mr. CUMMINS. If the Senator from Missouri will allow me, I did not suggest the pure food and drug act and the ruling of the court upon it as entirely parallel. Whether we can make it an offense for a man in a State to drink liquor that has been sent into the State in violation of a Federal law I will express no opinion; but that we can punish the man who receives the liquor in the State or who offers to sell the liquor in the State I have no doubt whatsoever.

Mr. BORAH. That is, offering to sell it is a part of the act of shipment into the State?

Mr. CUMMINS. It may be the act was limited to unbroken packages; but how far we can follow beyond that I can not say.

Mr. REED. Let me ask the Senator a question. The Senator called attention to the pure-food act or the drug act—I have not the language of the act before me—but I know that under the drug act the Federal Government is to-day inspecting every drug store in the United States to ascertain how much cocaine and other prohibited drugs or regulated drugs they have on hand and how their records are kept. If I mistake not, that power which they exercise is connected with the revenue powers of the Government. The power under which we now seek to act must, of course, be found in our right to regulate interstate commerce. There is a great difference, I admit, in the two powers.

Mr. BORAH. The punishment upon the man is in some way related to the act of shipment in interstate commerce. If he receives the goods through interstate commerce and sells them, I have no doubt that he is a part and is related to the act of shipment in interstate commerce. I am thoroughly in favor of the Senator's amendment, if it can be made to stand the test.

Mr. CUMMINS. I want my own view to be made perfectly clear. I have no doubt that in the absence of any conspiracy or combination Congress can make it a criminal offense to receive in a State anything that it has a right to forbid entering the State, and has the right to make it an offense for the person who so receives the forbidden article to sell it or deliver it to any other person. When we take the next step and inquire whether Congress can also make it an offense for one to consume, drink, or eat any such forbidden article, while I am inclined to think we can, yet it must be conceded that it is a doubtful zone.

Mr. BRANDEGEE. Whether that is doubtful or not, would the Senator have any doubt that we could make it an offense to knowingly purchase the article illegally sent into a State?

Mr. CUMMINS. I have no doubt about it.

Mr. BRANDEGEE. That is, if a dealer in liquors should receive in a dry State liquors that have been sent in in violation of an amendment like the one proposed by the Senator from Missouri, and should attempt to sell them to a customer, and the customer knew they had been shipped in violation of the law, does the Senator think we could make that a crime also?

Mr. CUMMINS. That is made a crime in the pure-food law, so long as the article is in the unbroken package which has been transported from one State to another. When you pass beyond that, after the package is broken and the goods become a part of the general property of the State, then the difficult question arises in my opinion.

Mr. BRANDEGEE. I meant to ask really whether there was any difference in our power to make the purchase in a State by a consumer an offense and the power to make it an offense for him to consume it after he had purchased it.

Mr. CUMMINS. It is a new point to me as to just what limitations we can put upon the right of one to consume an article that has been brought into the State contrary to the Federal law. I never heard the question suggested before.

Mr. BRANDEGEE. I do not know that I did.

Mr. CUMMINS. I have no definite and final opinion upon it.

Mr. BRANDEGEE. I have not, either; but in a somewhat vague way it was in my mind that when the proposed consumer purchased he was possibly engaged in the commerce, but after he had purchased and reduced it to his own possession, taken it into his own house, all interstate commerce in the article must

necessarily have ceased; and I do not know whether you could make it a crime for him to drink it after he purchased it.

Mr. BORAH. If you could not make it a crime to drink it after he had purchased it and taken it into his house, could you make it a crime for him to step into a saloon or a drug store—I will not say saloon, because there is not supposed to be a saloon in a dry State—and purchase it after the package had been broken, after it was wholly separated from interstate commerce and was no part of interstate commerce? What we are purporting to do is to exercise our power under the interstate commerce clause. When we get beyond that we have not the power when the article which we are shipping is commingled with goods of the State. It is then within the jurisdiction of the State, and the State alone has control of it. The pure-food act is very careful to confine it to original packages, and the party punished is connected with acts of interstate commerce.

Mr. CLAPP. That would be all right if it were proposed to eliminate from the amendment of the Senator from Missouri the word "knowingly." We have a right to regulate interstate commerce, and we have a right to pass those laws that are essential to the maintenance of the right of regulation. One of the incentives to shipping in interstate commerce of course must be the demand, and the man who contributes to that knowingly is violating the law prohibiting the shipment, and he has to be reached in order to make the law efficient. It strikes me that the word "knowingly" there means no shipment, and there would be no difficulty of solving the problem.

Mr. BORAH. What has the word "knowingly" to do with the act of interstate commerce?

Mr. CLAPP. Because it is in his knowledge that he is directly contributing to a violation of the law. The law prohibits the shipment from one State to another. The man who consumes it unconsciously is like the man who unconsciously buys stolen goods, while the man who knowingly buys stolen goods is a party, no matter through how many hands the transaction may have passed.

Mr. BORAH. Then the power to regulate commerce is controlled to a certain extent by the state of mind of the party in the dry State.

Mr. CLAPP. Not at all; but it is controlled by the effort to make the law efficient by holding those who are parties knowingly in violation of it liable for a violation of it.

Mr. WORKS. I am a little surprised to hear my friend the Senator from Idaho [Mr. BORAH] undertake to limit the scope and effect of the jurisdiction and power of the Government to deal with a question of this kind. He has certainly given the broadest possible construction to the laws relating to interstate commerce of any Member of this body. In this particular instance, when it becomes a matter of consuming the liquor after it has come into the hands of the proposed consumer, it is a purely personal act done within the State, and it does not seem to me possible that it can in any way be connected with interstate commerce or confer any right upon the National Government to deal with it at all. I think the Senator agrees with me to that extent.

Mr. BORAH. I think the Senator agrees with me.

Mr. WORKS. Very well. Then I agree with the Senator, if that is his position; and I am very glad to see that he at least makes some modification of his former views on the subject.

Mr. BORAH. The Senator from California is not as accurate as he usually is. The Senator from Idaho has never taken a position which he is conscious of being similar to the one which is taken by those advocating this amendment here. What the Senator from Idaho contended is that the National Government may police the channel of interstate trade, and it has police power with reference to the channels of interstate trade just the same as a State has police powers with reference to intrastate commerce, and no further have I contended that we can go.

I say that we may do anything under this commerce clause which has to do with the shipment of liquor into the State, but after the liquor has become a part of the property of the State, commingled with the property of the State, separated from the channels of interstate trade, I do not think we have any control over it. I have never contended otherwise.

Mr. REED. Let me ask the Senator a question about that. I am going back to the illustration of the Senator from Connecticut [Mr. BRANDEGEE]. The Government of the United States prohibits smuggling of goods into the United States. It makes it a crime to bring goods in without paying a duty. Now, is there any doubt that the Government can make it a crime for a person to purchase or conceal or have in his possession goods knowing the same to have been smuggled?

Mr. BORAH. I do not know just exactly what that law is, and I am not aware that it has ever been sustained upon that

point, even if it is on the statute books. The only instance that I know of is where the Government undertook to prove a conspiracy consisting of the party who was shipping it in and the party who was there to receive it, all constituting one entity, to wit, the combination or conspiracy. As I said in the very opening of this argument, there might be some precedents which would sustain this proposed legislation. I do not believe there are; but I know of no instance except those cases of a general conspiracy to violate the laws of the United States.

Now, if you make this a conspiracy composed of men within the State and the man without the dry State, and make it one entity—to wit, a conspiracy—I have no doubt you can do it; but if you simply separate and disjoin an individual in the State who purchases this liquor after it is separated from the channels of trade and commingles with the property of the State, I should want to see some authority before I would say that he could be reached by a Federal statute.

Mr. CUMMINS. It seems to me there is one idea that may have been lost sight of. The substantive part of the proposal of the Senator from Missouri is prohibition against transportation from one State to another of certain commodities. If the provisions in regard to selling, receiving, and using have any validity it is because they are a part of the law of the United States to enforce the prohibition against interstate transportation. We have gone a great way, I think, in this country, and properly so, in endeavoring to enforce the prohibition, which is that the goods shall not be transported. Now, how can we best and most effectually prevent the act? One way is to punish the person who receives it.

Mr. BORAH. But he has to receive it while being shipped in interstate commerce, or is a part of interstate commerce, not the mere fact that he gets hold of it. Suppose it has been in the State six months or a year separated from interstate commerce and commingled with the property of the State, does the Senator contend that under such circumstances you can punish the individual within the State who buys it? I have no doubt at all that if the party is a part of the machinery by which it is brought into the State and receives it from the channels of interstate trade while it is still a part of interstate commerce you can punish him.

Mr. REED. We agree on that. Now, if the Senator will pardon me—

Mr. CUMMINS. I was about to say that I agree that there comes a time when the property is so thoroughly commingled with the general property of the State that our power over it under the commerce clause of the Constitution ceases. That is why I said that the prohibition of the proposed amendment against drinking, without limitation as to time or circumstances, except the knowledge that the article came in unlawfully, was in the doubtful zone anyway; but that we can punish any man who receives it or any man who sells it as it came in from another State, or any man who gives it away, or any man through whose act it did become a part of the general property of the State, I have no doubt whatever. I think the Senator from Missouri ought to put into this amendment the word "receive," so that he will reach the man to whom the consignment or shipment is made.

Mr. REED. Mr. President, I call attention, in passing, to the act of December 17, 1914, which is commonly known as the drug act. It is true that that act is apparently attached to the internal-revenue powers of the Government; but it provides:

That on and after the 1st day of March, 1915, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away opium or coca leaves or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business, and place or places where such business is to be carried on.

Of course, that is a different power of the Government; but it is no broader power than the power over interstate commerce. Section 2 provides:

That it shall be unlawful for any person to sell, barter, exchange, or give away any of the aforesaid drugs except in pursuance of a written order of the person to whom such article is sold, bartered—

That is not dealing with the shipment itself or with the goods in the original package, but it is dealing with the transaction after the package has been broken.

Mr. BORAH. Will the Senator from Missouri read that again?

Mr. REED. I will. It is as follows:

Sec. 2. That it shall be unlawful for any person to sell, barter, exchange, or give away any of the aforesaid drugs except in pursuance of a written order of the person to whom such article is sold, bartered, exchanged, or given, on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue. Every person who shall accept any such order, and in pursuance thereof shall sell, barter, exchange, or give away any of the aforesaid drugs, shall preserve such

order for a period of two years in such a way as to be readily accessible to inspection by any officer, agent, or employee of the Treasury Department—

And so forth.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I do.

Mr. WORKS. May I ask the Senator from Missouri whether that particular phase of the drug act has been passed upon by the Supreme Court of the United States? That provision seems to me to go a long way.

Mr. REED. I am unable to say whether or not it has been passed upon by the Supreme Court of the United States.

Mr. WORKS. It has been suggested by the Senator from Idaho [Mr. BORAH] that that falls under the taxing power, which is an altogether different question.

Mr. REED. I have already stated that this is attached to the internal-revenue feature of our Government; but notice, now, there is attached to that feature in our law something more than the mere collection of revenue. There is inserted the provision I have just read. Then it goes further, and provides:

Nothing contained in this section shall apply—

(a) To the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinary surgeon registered under this act in the course of his professional practice only: *Provided*, That such physician, dentist, or veterinary surgeon shall keep a record of all such drugs dispensed or distributed, showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed, except such as may be dispensed or distributed to a patient upon whom such physician, dentist, or veterinary surgeon shall personally attend; and such record shall be kept for a period of two years from the date of dispensing or distributing such drugs, subject to inspection, as provided in this act.

(b) To the sale, dispensing, or distribution of any of the aforesaid drugs by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, or veterinary surgeon registered under this act: *Provided, however*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, or veterinary surgeon who shall have issued the same: *And provided further*, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned.

So we go down to the doctor's office, we take control of it, and we say that he can not prescribe these medicines.

Mr. BRANDEGEE. But you do not get the patient under that act.

Mr. REED. Oh, yes; under that you get beyond the point of the commerce in the thing.

Mr. BORAH. Under the taxing clause.

Mr. REED. Under the taxing clause; and because we have the right to tax we have undertaken to say how we shall have a right to use it and the limitations upon it. That law is here. I can not say that it has been passed upon by the court; it may have been passed upon, but we have all been kept so busy we can not always read the court decisions and at the same time follow the business of the Senate.

Mr. BRANDEGEE. I will say to the Senator from Missouri it is in process of being passed upon now, because there are a great many prosecutions being brought all over the country for the violation of that very statute by physicians themselves.

Mr. BORAH. It is altogether probable, then, that the act has not yet been passed upon, or these people would have observed the law. It is likely that the act is being tested out; but that power being exercised under the taxing clause of the Constitution does not controvert the proposition at all.

Mr. REED. Well, the Government of the United States has power to say what shall go into interstate commerce; that is one power. It has the power to levy an internal-revenue tax; that is another power. Now, by strict construction we would say that the Government, having the power to regulate commerce, would have no other power to say what could and what could not be shipped in interstate commerce; but we all admit that the Government can go beyond that. The question is how far can it go? The Government has the right to levy an internal-revenue tax, but would anyone say, as a matter of original reasoning, that that carried with it the right to enter a physician's office and say how he shall prescribe to his patients and what he shall do with his prescriptions thereafter? That has but a very remote relation to the matter of collecting the Government tax upon the cocaine or other drug within the prohibition of this act.

I certainly do not want to be a party to the enactment of a statute that is unconstitutional, first, because I believe that Congress is the guardian of the Constitution, and I have no patience with those who are willing to pass laws, constitutional

or unconstitutional, and to trust such laws to the courts; and, second, I do not want it, because an unconstitutional law gets us nowhere. I am in dead earnest about this proposition. I say that if the people of the States do not want liquor within their State the Government of the United States ought not to employ its powers under the interstate-commerce clause to break down the laws which have been passed by the people of that sovereign State. In like manner the people of a sovereign State ought not to enact laws prohibiting the manufacture and sale of liquor within their own State and then encourage people in other States to manufacture it, to sell it, and to ship it in interstate commerce, to the detriment of the people of that other State.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to make a suggestion to him?

Mr. REED. Certainly.

Mr. BRANDEGEE. It seems to me the proposition can be defended upon this ground: Congress has power to regulate commerce among the States. The Senator from Idaho [Mr. BORAH] expressed it very well, when he said that, of course, includes the power to police the channels of interstate commerce. Now, what we are attempting to do, if I understand it, by the amendment proposed by the Senator from Missouri [Mr. REED] is to regulate that commerce in this article under certain conditions to the point of prohibiting it absolutely. Where you prohibit commerce in a certain article itself or upon the ground that in the exercise of the police power or the quasi-police power, whatever it may be, to which the Senator from Idaho has referred, it is a dangerous thing, and that the intention of Congress is to absolutely prevent it getting into that State, it makes it a crime to send it into that State. I think, then, under those circumstances, commerce having been prohibited in the article, that we can go to the extent of preventing a man from indulging in the commodity which the United States Government has absolutely prohibited to interstate commerce in the State. I am not sure about it, but I suggest that for the consideration of the Senator.

Mr. REED. Mr. President, we have not very many Senators present now, and this seems to be a sort of a confidential matter between a few of us.

Mr. President, I am pretty well convinced that I can reach the object I have in view and yet escape the danger of the suggestion of an invasion of the Constitution. I therefore intend to offer the amendment in this modified form, if I may have the attention of Senators who have been giving this matter careful thought:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, and whoever shall within any such State or Territory receive or knowingly sell or purchase or give away any such liquors so transported in interstate commerce shall be punished as aforesaid.

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Washington [Mr. JONES]. To that amendment the Senator from Missouri [Mr. REED] has offered an amendment, which he now modifies. The Secretary will read the amendment to the amendment as modified.

The SECRETARY. In the amendment of Mr. JONES, on page 2, line 16, after the word "addressed," it is proposed to insert the following:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory, the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, and whoever shall within any such State or Territory receive or knowingly sell or purchase or give away any such liquors so transported in interstate commerce shall be punished as aforesaid.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Overman	Sterling
Borah	Hughes	Owen	Sutherland
Brady	James	Page	Swanson
Brandeggee	Johnson, S. Dak.	Penrose	Thomas
Bryan	Jones	Pittman	Thompson
Catron	Kenyon	Poindexter	Tillman
Chamberlain	La Follette	Ransdell	Vardaman
Clapp	Lea, Tenn.	Reed	Wadsworth
Culberson	McLean	Shafroth	Warren
Cummins	Martin, Va.	Sheppard	Watson
Fall	Martine, N. J.	Sherman	Weeks
Fletcher	Norris	Smith, S. C.	Williams
Gallinger	Oliver	Smoot	Works

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Fifty-two Senators having answered to their names, a quorum of the Senate is present.

Mr. BORAH. Mr. President, a parliamentary inquiry. I should like to ask if this proposed amendment is divisible?

The PRESIDING OFFICER. The pending amendment is the amendment proposed by the Senator from Missouri [Mr. REED] to the amendment of the Senator from Washington [Mr. JONES]. What is the question of the Senator from Idaho?

Mr. BORAH. The question is whether the proposed amendment of the Senator from Missouri to the amendment of the Senator from Washington is divisible. I desire to vote for one part of it, but I hesitate to vote for the other part.

Mr. BRANDEGEE. I ask that the amendment be again read to the Senate, so that we can see whether or not it is divisible.

The PRESIDING OFFICER. The Secretary will again state the amendment to the amendment.

The Secretary again read the amendment of Mr. REED to the amendment of Mr. JONES.

Mr. BORAH. Mr. President, it seems to me there are two distinct propositions there. If not, the whole amendment is in doubt.

Mr. BRYAN. Mr. President, I think it is divisible.

The PRESIDING OFFICER. The present occupant of the chair is attempting to find out whether the Vice President has ruled upon this question or whether it has been raised.

Mr. BRYAN. Rule XVIII settles that. It may be divided upon the request of any Senator.

Mr. REED. I make no objection to the division, if the Senator desires that it should be submitted in that way.

Mr. BORAH. Mr. President, if the Senator from Missouri interposes no objection to the division of the question, I ask, if it will meet the approval of the Chair, that the question be divided.

The PRESIDING OFFICER. The question has not been decided heretofore. So the present occupant of the chair will hold that the question is divisible.

Mr. BORAH. Then I ask for a division of the question.

Mr. GALLINGER. Then let the language of the first branch of the amendment to the amendment be read.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. REED. Mr. President, of course with the question divided the penalty clause contained in the last line will have to be read in conjunction with the first branch of the amendment.

Mr. BORAH. That can be reconstructed.

Mr. REED. Very well.

Mr. GALLINGER. It occurred to me that probably it would have to be rewritten to some extent.

The PRESIDING OFFICER. The Secretary will state the first branch of the proposed amendment to the amendment.

The Secretary read as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes—

Mr. REED. Now add the penalty clause.

The Secretary read as follows:

shall be punished as aforesaid.

Mr. BRANDEGEE. The Senator from Missouri has cited in the course of his argument upon this question the case of North Carolina. I want to call his attention to the fact that his amendment, as it seems to me, would not cover a State having such a law as North Carolina has, because the State of North Carolina prohibits the manufacture or sale of intoxicating liquor for beverage purposes.

Mr. REED. "Therein," but permits liquor to be sent from the outside.

Mr. BRANDEGEE. Then it would cover that State.

Mr. BRYAN and others. Question!

The PRESIDING OFFICER. The question is on the first branch of the amendment as divided.

Mr. REED. I ask for the yeas and nays.

Mr. VARDAMAN. I am going to ask that the amendment be read again.

The PRESIDING OFFICER. The Secretary will again state the first branch of the amendment as divided.

The Secretary read as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

Mr. VARDAMAN. Where does that come in the amendment which has been proposed?

The PRESIDING OFFICER. It comes in on page 2, line 16, after the word "addressed," of the amendment heretofore offered by the Senator from Washington. The yeas and nays have been asked for. Is the request seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence I withhold my vote.

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK], who is absent on account of illness. I therefore withhold my vote. Were I at liberty to vote I should vote "yea."

Mr. McCUMBER (when his name was called). The senior Senator from Colorado [Mr. THOMAS] being absent from the Chamber, and having a pair with him, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I notice that he is not here and therefore withhold my vote.

Mr. SMITH of Maryland (when his name was called). In the absence of my pair, the senior Senator from Vermont [Mr. DILLINGHAM], I withhold my vote.

Mr. STERLING (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. SMITH] and therefore withhold my vote.

Mr. THOMAS (when his name was called). Has the senior Senator from North Dakota [Mr. McCUMBER] voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. I withhold my vote, then, as I have a pair with that Senator.

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS] I withhold my vote. If at liberty to vote I would vote "yea."

The roll call was concluded.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the junior Senator from Illinois [Mr. LEWIS] and vote "yea."

The result was announced—yeas 45, nays 11, as follows:

YEAS—45.

Beckham	Hitchcock	Myers	Sutherland
Borah	Hughes	Norris	Thomas
Brady	Johnson, S. Dak.	Page	Thompson
Brandeggee	Jones	Pittman	Townsend
Bryan	Kenyon	Poindexter	Vardaman
Chamberlain	Kirby	Ransdell	Watson
Clapp	La Follette	Reed	Weeks
Cummins	Lane	Shafroth	Williams
du Pont	Lea, Tenn.	Sheppard	Wicks
Fernald	Lippitt	Sherman	
Fletcher	Lodge	Smith, Ga.	
Gallinger	McLean	Smoot	

NAYS—11.

Bankhead	James	Oliver	Swanson
Culberson	Martin, Va.	Penrose	Walsh
Fall	Martine, N. J.	Simmons	

NOT VOTING—40.

Ashurst	Gronna	Nelson	Smith, Ariz.
Broussard	Harding	Newlands	Smith, Md.
Catron	Hardwick	O'Gorman	Smith, Mich.
Chilton	Hollis	Overman	Smith, S. C.
Clark	Husting	Owen	Sterling
Colt	Johnson, Me.	Phelan	Stone
Curtis	Kern	Pomerene	Tillman
Dillingham	Lee, Md.	Robinson	Underwood
Goff	Lewis	Saulsbury	Wadsworth
Gore	McCumber	Shields	Warren

So the first part of Mr. REED's amendment was agreed to.

Mr. REED. Mr. President, I now offer the other clause of the amendment with the word "and" stricken out, and ask that the penalty clause be read in connection with it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary read as follows:

Whoever shall, within any such State or Territory, receive or knowingly sell or purchase or give away any such liquors so transported in interstate commerce shall be punished as aforesaid.

Mr. CLAPP. Mr. President, I want to call the attention of the Senator from Missouri to the fact that it occurs to me that the word "knowingly" should be ahead of the word "receive." As I heard it read, it follows the word "receive" and only applies to acts after receiving. Will the Secretary read the amendment again?

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. REED. The Senator's criticism is correct. The word "knowingly" should be transposed.

The PRESIDING OFFICER. Without objection, that will be done. The question is on agreeing to the amendment to the amendment. [Putting the question.] By the sound the yeas seem to have it.

Mr. KENYON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). The senior Senator from Missouri [Mr. STONE] is absent for the day. I am paired with that Senator, and therefore withhold my vote. This announcement may stand for the day.

Mr. COLT (when his name was called). In the absence of my pair, the junior Senator from Delaware [Mr. SAULSBURY], I withhold my vote.

Mr. CURTIS (when his name was called). Again announcing the pair which I announced on the last roll call, I withhold my vote.

Mr. OVERMAN (when his name was called). Owing to the absence of my pair, the junior Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. SMITH of Maryland (when his name was called). My pair being absent, I withhold my vote.

Mr. THOMAS (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. WADSWORTH (when his name was called). In the absence of my pair, the junior Senator from New Hampshire [Mr. HOLLIS], I withhold my vote. Were I at liberty to vote I should vote "nay."

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. LIPPITT (after having voted in the negative). I notice that the junior Senator from Montana [Mr. WALSH] has not voted, so I withdraw my vote.

The result was announced—yeas 19, nays 39, as follows:

YEAS—19.

Brandegee	Gallinger	Lee, Tenn.	Poin Dexter
Catron	Hughes	Lee, Md.	Reed
Chamberlain	Husting	Lodge	Weeks
Clapp	Johnson, S. Dak.	McLean	Williams
Cummins	La Follette	Owen	

NAYS—39.

Bankhead	Jones	Penrose	Sutherland
Beckham	Kenyon	Pittman	Swanson
Borah	Kirby	Ransdell	Thomas
Brady	Lane	Robinson	Thompson
Bryan	Martin, Va.	Shafroth	Tillman
Culberson	Martine, N. J.	Sheppard	Townsend
du Pont	Myers	Sherman	Vardaman
Fernald	Norris	Simmons	Watson
Hitchcock	Oliver	Smith, Ga.	Works
James	Page	Smoot	

NOT VOTING—38.

Ashurst	Gore	Nelson	Smith, Mich.
Broussard	Gronna	Newlands	Smith, S. C.
Chilton	Harding	O'Gorman	Sterling
Clark	Hardwick	Overman	Stone
Colt	Hollis	Phelan	Underwood
Curtis	Johnson, Me.	Pomerene	Wadsworth
Dillingham	Kern	Saulsbury	Walsh
Fall	Lewis	Shields	Warren
Fletcher	Lippitt	Smith, Ariz.	
Goff	McCumber	Smith, Md.	

So the second part of Mr. REED's amendment was rejected.

Mr. HITCHCOCK. Mr. President, I move to strike out on line 3, page 2, the word "Whoever," and insert "Any publisher or officer or agent of a publisher or a publishing company" who shall knowingly deposit, and so forth. If this is confined to publishers of newspapers or agents of publishers, the offense can be well located, and the law can be fairly enforced without any injustice; but if any individual who mails a publication is liable to prosecution for offending against this law, it seems to me the door will be wide open for blackmail.

Mr. VARDAMAN. Mr. President, will the Senator yield to me for a question?

Mr. HITCHCOCK. I yield.

Mr. VARDAMAN. Suppose the whisky dealer should put an advertisement in a paper, and should then take it upon himself to relieve the publisher by circulating the paper. It would seem to me to nullify and defeat altogether the purpose of the law.

Mr. HITCHCOCK. I think in that case he would become the agent of the publisher for the circulation of the paper. There is not under the postal laws, however, much opportunity for an advertiser to circulate any large number of papers in this way.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HITCHCOCK. I do.

Mr. BRANDEGEE. I should like to call the attention of the Senator to the fact that he would have to entirely reframe the first section of the amendment, because even if the change suggested by him is made the first part of the amendment makes it an equal offense for anybody to mail a letter containing an order or a postal card; and the section which the Senator is trying to amend makes it an offense to do anything in violation

of the first section or the first page of the amendment. If the Senator will read the first page of the amendment, he will more clearly comprehend the point which I suggest to him, I think.

Mr. HITCHCOCK. I think it is possibly open to some objection of that sort; but I think if liquor dealers issue any considerable number of postal cards for advertising purposes they become publishers of the postal cards.

Mr. BRANDEGEE. Yes; but my point is that it is not the liquor dealer issuing the cards; it is the man who sends an individual order for liquors from a dry State into a wet State that is prohibited by the first section of the bill. But the Senator's amendment would leave it very much confused unless he re-drafted the language on the first page—the first two or three lines of the amendment.

Mr. GALLINGER. Mr. President, I will ask that the amendment be stated from the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. SMITH of Georgia. While the amendment is being sent to the desk, I wish to ask the Senator if the effect of his amendment is not to leave the liquor dealer the privilege of having just as many circulars used to flood the State as he sees fit, provided they are not newspapers?

Mr. HITCHCOCK. I will ask the Secretary to read it as amended, and see if that idea is conveyed.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, line 3, it is proposed to strike out the word "Whoever" and to insert "Any publisher or officer or agent of a publisher or of a publishing company," so as to read:

Any publisher or officer or agent of a publisher or of a publishing company who shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years.

Mr. HITCHCOCK. Mr. President, in answer to the question of the Senator from Georgia [Mr. SMITH], I think the liquor dealer who causes to be printed any considerable number of postal cards for distribution through the mails would become as much the publisher of those postal cards as the printer who sends out a newspaper; and if not, it might be so amended as to reach such cases. What I am seeking by this amendment to avoid is an obvious danger and evil in this amendment—that individuals who send newspapers through the mails to friends, to correspondents, or for other business purposes are liable to arrest and prosecution in case those newspapers contain certain advertisements. Now, it is true that they will be acquitted on prosecution if it can not be proven that they knew that the advertisements were in the newspapers; but the great evil which I suppose these reformers seek to reach is the distribution by wholesale of newspapers containing liquor advertisements, and this amendment of mine will put a stop to that.

Of course my own private opinion is that the reform will not come exactly in the way that some of these reformers expect. I think, for instance, that it will not stop the publishers of New York, Philadelphia, and Chicago newspapers from accepting liquor advertisements. I think it will lead those publishers to stop sending the newspapers into the States that have those restrictive laws, because the newspapers will lose less in that way than they will lose by sacrificing the liquor advertisements.

Mr. TOWNSEND. Mr. President, will the Senator yield for a question?

Mr. HITCHCOCK. I yield.

Mr. TOWNSEND. Under the Senator's amendment, what would prevent a liquor dealer or any other person from buying up all the copies of a newspaper at a news stand and sending them out as he sees fit into dry territory?

Mr. HITCHCOCK. There would be several things that would interfere with it. In the first place, he would be required to put at least 1 cent postage on each newspaper; in the second place, he would find difficulty in getting any considerable number of papers to distribute in that way. To be of any value advertising has to be on a large scale, and my own judgment is that an individual who made an arrangement with a newspaper to send out any wholesale amount of papers would in that way become the agent of the newspaper. The laws prohibit the newspaper from sending out more than a small number of sample copies. As I have proposed to amend this amendment it would make it impossible for publishers who accept liquor advertisements to send their newspapers into the States which prohibit such advertisements; and I suppose that that is the evil sought to be reached.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. HITCHCOCK. I do.

Mr. WORKS. Under the amendment of the Senator from Nebraska, what would prevent a liquor dealer from sending his advertisements by postal card or by circular? Does the Senator think that he would in that way become the publisher within the meaning of this amendment?

Mr. HITCHCOCK. My judgment is that he would become as much the publisher of such a circular as the publisher of a newspaper. At least, if the Senator thinks this language would not cover the case, it could be so provided; but the evil I seek to get at is this:

Under the loosely framed amendment which is now before the Senate it is quite conceivable that a large number of prosecutions might be undertaken against people who had merely sent a number of newspapers through the mail into States where they were not admissible.

Mr. WORKS. Mr. President, I am very much afraid that in construing this amendment a narrower meaning would be given to the word "publisher," which would confine it to some one engaged in the publishing business, and that it would not cover the case that I suggest.

Mr. HITCHCOCK. I think the law, if it prohibits newspapers, ought to prohibit anyone from sending circulars; but what I think this law ought to do is not to make it possible for designing persons to file complaints against individuals and prosecute them for mailing papers containing advertisements. Now, as the Senator from Colorado [Mr. THOMAS] said, there can be no conviction unless it is shown that the individual who mails such a paper does it knowingly; but the way this amendment is framed now, the prosecution could occur, and according to another provision in the same law the man who mails a paper, say, in the State of New York can be taken across the country possibly to Oregon or to any State far away in which the advertising of liquor is illegal and prosecuted there, thousands of miles from his home.

It seems to me such a condition would be intolerable. I think the law which these reformers desire to have passed is designed to keep out of a State systematic advertising which is contrary to the laws of the State; and it ought not to be made to apply to individuals merely sending a stray paper occasionally into such a State. If some other form of this amendment can be suggested, of course it would be all right; but certainly, as it is framed now, the law is a dangerous thing. It is likely to be used for purposes of blackmail. It is likely to impose great hardships on people entirely innocent of any intention to commit an offense.

Mr. JONES. Mr. President, the amendment that the Senator suggests would practically nullify one of the purposes of this amendment, which is not only to prevent the sending through the mail of newspaper advertisements, but the sending through the mail of personal letters, postal cards, and all that sort of things, into the homes of the country.

The Senator suggests that this is a loosely drafted provision. It is anything but that. It is almost word for word section 213 of our Criminal Code, relating to lottery advertisements, and was framed on that; and that section was changed only in so far as was necessary to make it applicable to put in here.

In connection with the criticism the Senator makes in regard to taking some person across the country for trial, I think I will read this section so that the Senator will see what we provide with reference to that and how it compares with this. This section of the Criminal Code has been in force a great many years, and there have not been any of the hardships that the Senator predicted would come out of that.

Mr. NORRIS. Was that done by reformers?

Mr. JONES. I do not know whether reformers adopted it or not. I imagine that persons who are interested in the welfare of the country and the people of the country, just as the Senator from Nebraska is, were responsible for it.

Section 213 of the Criminal Code is as follows:

No letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no check, draft, bill, money, postal note, or money order for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list

contains any part or all of such prizes, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier.

Now, then, how do we provide for a penalty?

Whoever—

That is, whether the publisher of a newspaper or otherwise—

Whoever shall knowingly deposit, or cause to be deposited, or shall knowingly send, or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver, or cause to be delivered, by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years.

The penalty is exactly as provided in this amendment originally, to which some Senators took such violent exception.

Now, then, with reference to the punishment for violation of this act, here is the language that is word for word as it is in the amendment that I have proposed:

Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

Mr. President, I do not care to say anything more about this amendment. I hope the amendment will be satisfactory to the Senate.

Mr. NORRIS. May I suggest to the Senator that while I favor the amendment, I do not believe the amendment to the amendment ought to be adopted in the shape it is in now. I can see, I think, a vast difference between the pending amendment and the lottery proposition. In the lottery act it was the intention, and there was no doubt it had the effect, to absolutely preclude advertisements of lotteries in newspapers, because the act excluded such newspapers from the mails so that there should be no more advertising in newspapers of lottery matter. The amendment we are now considering does not pretend to exclude them from the mails except partially. They are admitted in certain States and they are excluded in certain other States. So papers will be published containing liquor advertisements. The danger is where they are published legally in a State, where they have a right to publish them, some innocent person will mail a copy of the paper, legally published in a State where it may be legally sent through the mails, and send a copy of that paper into some other State through the mails where it is illegal for such papers to be admitted. It seems to me, therefore, that that is a great danger. It is a common practice, as the Senator knows, to send from one State to another to friends a copy of a newspaper without thinking of the paper having an advertisement or some other article in it than the one in the mind of the sender. I get daily, and I presume every other Senator gets, from all over the United States papers containing some editorial or some article that the writer wants to call to my particular attention. Your own children send them from the place where you live into other States to friends calling attention to something—advertising the town, it may be. If that paper should contain a liquor advertisement and be sent into a State, where the sender would perhaps have no knowledge of the law, it might be a crime, and under this amendment that person might be taken to the State to which it was sent, as I understand it, for trial. Persons could be extradited from one State to another, and while at a trial they would be cleared, it seems to me there is great danger of an innocent person being arrested under that kind of a law, and it might be done for the purpose of revenge or spite, perhaps.

I am in sympathy, and the Senator knows it, with the amendment, yet I do not want to go so far as to jeopardize absolutely innocent people. I should like to see it confined to papers sent by the publisher and then include in a separate provision circulars, and so forth, that had no other object except the advertising of liquor. That, it seems to me, would avoid an objection which to my mind is serious.

Mr. JONES. Mr. President, I recognize the force of the suggestion of the Senator from Nebraska, but we can not pass any criminal statute or any statute providing a penalty for a violation of a certain act without the possibility of some injury coming to innocent persons. Anyone can make a charge against anybody and hale him into court either upon a civil proceeding or in a criminal proceeding. We can not prevent that by the terms of the law. I can see how, if the terms of this law were made less restrictive, it would lead to its practical nullification.

When this measure was in the Senate a few days ago it was fully considered and passed by the Senate. Of course, I do not claim the authorship of the measure. As a matter of fact, the Senator from Alabama [Mr. BANKHEAD] introduced the measure, and it was considered in the committee. Then it was

brought into the Senate and was here considered, amendments were adopted, some of them upon the suggestion of the Senator from Nebraska, and after that action it was sent to the House. Of course, it is almost impossible for us to change the law in any material respect without rewriting it, and we can not do that on the floor of the Senate here. It seems to me that in a measure which has had the consideration this measure has had, while we can see where injustice could be done, it is framed in as good way as we can get it.

I do not desire to take the time of the Senate further.

Mr. BRYAN. It is the same as the bill which passed the Senate?

Mr. JONES. Identically the same, word for word.

Mr. PITTMAN. I wish to offer a substitute for the amendment of the Senator from Nebraska. I gather from his argument that the main wrong they are trying to remedy is the advertising of liquors in dry States. I therefor offer an amendment, so that it will read: "Whoever shall knowingly for the purpose of advertising liquors"; then further down, "shall knowingly for the purpose of advertising liquors deliver or cause to be delivered." In other words, I propose to limit the crime not only to the knowledge of the contents of the article but to the sending of it through the mails for the purpose of advertising liquors.

Mr. GALLINGER. I will ask the Senator if this is offered as an amendment to the amendment?

Mr. PITTMAN. I offer it as an amendment by way of a substitute.

Mr. GALLINGER. A separate amendment?

Mr. PITTMAN. A separate amendment.

Mr. GALLINGER. After the amendment pending has been acted on.

Mr. PITTMAN. I offer it really as a substitute for the amendment of the Senator from Nebraska, if it is in order.

Mr. GALLINGER. I should think it would not be in order.

The VICE PRESIDENT. It would not be in order, because it comes in at different places in the amendment of the Senator from Washington.

Mr. PITTMAN. I will offer it after the amendment of the Senator from Nebraska to the amendment has been acted on.

Mr. HITCHCOCK. I am inclined to think the substitute which the Senator from Nevada proposes would avoid some of the criticisms that are made against my amendment, and would in effect put a stop to depositing in the mails either newspapers or circulars sent into a State for advertising liquors in violation of law. I therefore withdraw my amendment, and will let the Senate consider the amendment offered by the Senator from Nevada.

Mr. GALLINGER. Let the proposed amendment be read.

The SECRETARY. On page 2, line 3, after the word "knowingly," insert "for the purpose of advertising liquors"; in line 4, after the word "knowingly," insert the same words; and in line 6 the same amendment, so as to read:

Whoever shall knowingly for the purpose of advertising liquors deposit or cause to be deposited or shall knowingly for the purpose of advertising liquors send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly for the purpose of advertising liquors deliver or cause to be delivered, etc.

Mr. GALLINGER. "Whoever shall knowingly for the purpose of advertising liquors." It seems to me that a man sending a publication through the mail might well say that he did not send it for that purpose, that he sent it for the benefit of his subscribers, not for the purpose of advertising his wares. I think that would be a fatal amendment. I suggest to the Senator from Washington if he allows it to go into the bill, or if the Senate does, he might as well withdraw the whole matter.

Mr. JONES. I am sure it will not go through with my consent.

Mr. PITTMAN. That might be said with regard to all criminal law unless you wish to convict somebody upon an indictment without proof. The question of proof would be as to whether or not the person sent the paper into a dry territory with the intent and purpose of advertising liquor. If it is the intent of this measure to convict an innocent person who has nothing to do with the liquor business, who has no interest in the advertising of liquor, who will make no profit by the advertisement of liquor, then I am absolutely opposed to any such bill. I am opposed to passing a measure that will submit an innocent purchaser to prosecution under this law. I would rather allow some guilty person to escape through the failure of proof than that numerous disinterested persons who have nothing to do with liquor should be prosecuted under the provisions of a loosely and carelessly drawn law.

Mr. VARDAMAN. Mr. President, I think the Senate adopted—

Mr. JONES. I hope the Senator will wait until we dispose of the amendment that is pending.

Mr. VARDAMAN. I will do that.

Mr. JONES. I hope the amendment pending will be voted down.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada [Mr. PITTMAN] to the amendment. [Putting the question.] The noes seem to have it. The noes have it, and the amendment is lost.

Mr. JAMES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Gallinger	Martine, N. J.	Smith, S. C.
Bankhead	Hitchcock	Nelson	Smoot
Beckham	Hughes	Norris	Sutherland
Borah	Husting	O'Gorman	Swanson
Brady	James	Oliver	Thomas
Brandeggee	Johnson, S. Dak.	Overman	Thompson
Bryan	Jones	Page	Townsend
Catron	Kenyon	Pittman	Wadsworth
Chamberlain	Kirby	Poindexter	Walsh
Chilton	La Follette	Ransdell	Warren
Clapp	Lane	Reed	Weeks
Cummins	Len, Tenn.	Shafroth	Works
du Pont	Lee, Md.	Sheppard	
Fernald	Lippitt	Sherman	
Fletcher	McCumber	Simmons	

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Washington.

Mr. BRANDEGEE. Is this the Jones amendment?

The VICE PRESIDENT. The Jones amendment.

Mr. JAMES. I think the question is on the amendment offered by the Senator from Nebraska to the amendment of the Senator from Washington.

The VICE PRESIDENT. There was a vote on that.

Mr. JAMES. No; I made the point of no quorum before the Chair announced the vote, I think.

The VICE PRESIDENT. The Chair had announced that the amendment was lost. If the Senator wants to call for the yeas and nays, the Chair will entertain it.

Mr. BRANDEGEE. Before the yeas and nays are ordered I wish to ask the Senator from Washington if he will not, at the end of line 2, before the word "advertisement," insert the word "paid." I suggest that for the reason I have been informed—I do not know whether it is a fact or not—that many of the newspapers are afraid the word "advertisement" may be stretched so as to include those news articles and editorial utterances that deal with the liquor question, bringing it into prominence, and so forth. I suppose, really, what the measure now means is paid advertisements, is it not?

Mr. JONES. It means what we generally understand by advertisements. I do not think it would include editorial expressions or opinions, or anything of that sort, strictly construed.

Mr. BRANDEGEE. It is a very severe penalty. I move that the word "paid" be inserted before the word "advertisement."

Mr. JONES. I do not think I can accept that amendment. I do not think that it includes the things the Senator has referred to at all.

Mr. BRANDEGEE. I understand the Senator from Washington does not accept it. Therefore I have made the motion that it be inserted.

Mr. JONES. I hope it will be voted down.

The VICE PRESIDENT. The question is on the amendment of the Senator from Connecticut to the amendment. [Putting the question.] The noes seem to have it. The noes have it, and the amendment to the amendment is rejected. The question recurs on the amendment of the Senator from Washington [Mr. JONES].

Mr. BRANDEGEE. I would cheerfully vote for that part of the amendment which was proposed by the Senator from Missouri, but I do not think that all the newspapers of the country which are published in the States which have not in the exercise of their own right and under their own laws gone dry should be boycotted from circulating outside of their own States. I can not, therefore, support that part of the amendment which is known as the Jones amendment. Now that the Senator from Missouri has annexed his amendment to it, I am compelled to vote against the entire proposition. If the Senator from Missouri will offer his amendment afterwards, if the amendment of the Senator from Washington [Mr. JONES] should not carry, as a separate amendment, I would cheerfully vote for it, because I do believe that the Congress of the United States ought not to allow interstate railroads and the mail carried by them to circulate liquor advertisements to carry liquor

into the States which have voted that they will not have liquor in their States. Take all the large cities of our country, take the city of New York, with its great metropolitan dailies, New York is not a prohibition State. Those papers circulate all over the country. I think it is very drastic for Congress to say that papers published legally under the laws of their States shall be limited in their circulation to the boundaries of their own States. These great daily papers are national institutions. If New York State desires to have the license system or if my State of Connecticut, exercising its privileges through its license under its own home-rule laws and style of self-government, think it is better for us to have local option, and have each community decide this question for itself, and the State decides it for itself, I do not think all the newspapers in my State of Connecticut should be prohibited by the United States Government from going outside of the boundaries of that State if they contain a liquor advertisement of what is now a lawful industry in my State. Therefore I can not support this amendment.

Mr. VARDAMAN. Mr. President, I think the amendment offered by the Senator from Missouri [Mr. REED] was agreed to under a misapprehension or a misunderstanding of the extent to which it goes. Now, listen to the reading:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes \* \* \* shall be punished as aforesaid.

I voted for this thinking that it prohibited the importation of liquors for beverage purposes; but any State that prohibits the importation of liquor for beverage purposes under this amendment, if it should become a law, could not import liquors for sacramental, scientific, medicinal, or mechanical purposes, and I am going to ask unanimous consent to reconsider the vote by which it was adopted. I will move to amend the amendment by inserting, after the word "purposes," in next to the last line, "except for scientific, sacramental, medicinal, or mechanical purposes."

Mr. CLAPP. Why does not the Senator take the first part of the amendment, where the prohibition occurs, and insert "for use as a beverage," which will accomplish the same result with very much less language?

Mr. VARDAMAN. This is the only place I find where it will come in and make sense. That is the reason why I did not do it. I think the other way is better.

Mr. CLAPP. Very well. I just suggested it for brevity's sake.

Mr. VARDAMAN. I move this amendment.

Mr. GALLINGER. The amendment will have to be reconsidered.

The VICE PRESIDENT. The amendment is not in order unless the original amendment is reconsidered.

Mr. VARDAMAN. That is what I thought.

Mr. JAMES. Mr. President, I do not rise for the purpose of making any objection to the amendment of the Senator from Mississippi [Mr. VARDAMAN], but I wish to ask him if it is not true that under the decision of the Supreme Court on the Webb-Kenyon law the State may by a vote of its people or by an enactment of its legislature provide that whisky shall not be shipped into the State for any purpose. If the State should so provide, then the Federal right of interstate commerce ceases at the State lines, and nothing of any sort of an intoxicating character is allowed to be shipped into the State. In other words, is not the State absolutely sovereign upon this question?

Mr. VARDAMAN. I do not want to leave any doubt about it. I am quite sure that there is not a Member of the Senate who wants to prohibit alcohol for scientific, medicinal, and mechanical purposes. I am also very sure that no Senator desires to prohibit wine for sacramental purposes. There is no necessity for running any risk. The matter is now in the hands of the Senate, and I move that the vote by which the amendment was adopted be reconsidered. I think I am in order to do that. I voted for the amendment.

The VICE PRESIDENT. The Senator from Mississippi moves that the vote whereby the amendment was adopted be reconsidered. The question is on the motion of the Senator from Mississippi.

The motion to reconsider was agreed to.

Mr. VARDAMAN. I now move to insert, after the word "purpose," the words "except for scientific, sacramental, medicinal, and mechanical purposes." That covers it, I hope.

Mr. GALLINGER. Is not that an amendment in the third degree? It occurs to me that an amendment in the third degree is not allowable under our rules.

The VICE PRESIDENT. Does the Senator from New Hampshire raise the point of order?

Mr. GALLINGER. Yes.

The VICE PRESIDENT. The point of order is sustained. It is an amendment in the third degree.

Mr. VARDAMAN. What is the point of order?

The VICE PRESIDENT. That it is an amendment in the third degree. The Jones amendment is one, the Reed amendment is two, and the amendment of the Senator from Mississippi is three. The question is on the amendment of the Senator from Missouri to the amendment of the Senator from Washington.

Mr. REED. Mr. President, I offered this amendment in good faith. I did not offer it for the purpose of putting up an impossible law. It was drawn hastily here while the debate was on. I did not intend to deny the people of a State the right to have liquor for sacramental purposes or for mechanical or medicinal purposes. In order to perfect my amendment I ask now to have the words inserted in it which were offered by the Senator from Mississippi [Mr. VARDAMAN].

Mr. OVERMAN. I do not think we can do that. It will have to be amended in the Senate if amended at all. The amendment has been adopted.

Mr. REED. It has been reconsidered.

Mr. VARDAMAN. The vote has been reconsidered by which it was adopted.

Mr. BRANDEGEE. The Senator from Missouri can modify his own amendment.

Mr. HUGHES. He can modify his amendment.

Mr. REED. That is what I am asking to do.

The VICE PRESIDENT. The Chair thinks the Senator from Missouri can modify his amendment. The amendment will be stated.

The SECRETARY. On the fourth line of the amendment, after the words "interstate commerce," insert "except for scientific, sacramental, medicinal, and mechanical," so that the amendment will read:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce except for scientific, sacramental, medicinal, and mechanical purposes into any State or Territory, the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be punished as aforesaid.

The VICE PRESIDENT. The question is on the amendment.

Mr. REED. Let it be reported as now modified.

The VICE PRESIDENT. The Secretary will now state the modified amendment.

The SECRETARY. After the words "interstate commerce" it is proposed to insert the words "except for scientific, sacramental, medicinal, and mechanical purposes," so that the amendment will read:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes into any State or Territory, the laws of which State or Territory prohibit the manufacture and sale therein of intoxicating liquors for beverage purposes, shall be punished as aforesaid.

The VICE PRESIDENT. The question is on the amendment as modified to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment as amended.

Mr. REED. Mr. President, before we vote on the amendment as amended, I hope to enlist the attention of the Senate a moment to its provisions. We have discussed it with reference to its effect upon the publishers of newspapers, and I do not intend to again go over that question. The Senate is advised with reference to it. But let us observe just what might happen under this bill to others who are not the publishers of newspapers. The amendment reads:

That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind \* \* \* shall be deposited in or carried by the mails of the United States.

That would prohibit an advertisement of wine for sacramental purposes; it would prohibit an advertisement of alcohol for mechanical purposes; it would prohibit an advertisement of any of these things for any purpose, however meritorious.

Mr. President, returning to my remarks, that is one phase of the question that ought to be considered; but there is another. The amendment further provides:

Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

I want only a minute on this; but I do think if Senators will consider it they certainly will amend the proposition before adopting it. What is meant by the term "knowingly send"? Is it not entirely possible, under this provision, that if an individual should send a magazine containing an article advertising liquor he could be held as a criminal, although he had no purpose in sending that article to distribute the liquor advertisement? What is meant, I repeat, by the term "knowingly send"? He knows that he sends the paper, the pamphlet, the document. Would a court hold that he had to know that it contained a liquor advertisement? I wish I might have the attention of the author of this amendment, the Senator from Washington [Mr. JONES].

Mr. JONES. I am listening to the Senator from Missouri.

Mr. REED. No; the Senator from Washington was listening to the Senator from Minnesota [Mr. CLAPP].

Mr. JONES. I was listening to the Senator from Missouri.

Mr. REED. Well, it was a divided attention.

Mr. JONES. I caught both of them all right.

Mr. REED. Would not this amendment go far enough if it provided that any person who should, with the intention of distributing such advertisements, send the document containing it through the mails?

Mr. JONES. I think this measure is just about right.

Mr. REED. Well, "Ephraim is joined to his idols; let him alone." Under this amendment as now drawn it would be, in my opinion, entirely possible to send to the penitentiary an individual who should have simply put into the mail a document which happened to contain a liquor advertisement, whether or not he knew the advertisement was therein printed. Certain it is that if he should happen to know the advertisement was in the paper he could be sent to jail or to the penitentiary, even though his purpose in sending the document out was not to advertise liquor at all, but simply to convey certain information which might be found in some article printed in the publication. That is extreme; that is, in my judgment, unreasonable; and an extreme or unreasonable law never makes for the success of any good movement. I thought the suggestion to the Senator from Washington would be sufficient.

I would be willing to vote to stop the sending of advertisements into "dry" territory by men engaged in the liquor business, because they send such advertisements into "dry" territory for the very purpose of defeating the object of the prohibition laws of the State, but when you propose to put upon the statute books a law under which a man not interested in the liquor business, having no desire to promote the liquor business, may be sent to the penitentiary because he mails a paper or a pamphlet that happens to contain an advertisement for liquor, you are going beyond the limits of reason and justice, and I shall be forced, if the proposition stands as it now is, to vote against it.

In order to test the sense of the Senate upon this matter, I move, Mr. President, on line 3, page 2, of the amendment, after the word "knowingly," to insert the words "for the purpose of advertising intoxicating liquors or promoting the sale thereof," so that the sentence will read:

Whoever shall knowingly, for the purpose of advertising intoxicating liquors or promoting the sale thereof, deposit or cause to be deposited—

And so forth.

Mr. GALLINGER. Mr. President, I will repeat what I said a few moments ago, that if the amendment just suggested by the Senator from Missouri is agreed to, all a publisher would have to say would be that he sent his paper for the benefit of his subscribers; that he did not send it for the purpose of advertising the wares of the liquor dealer; but that he had another and an entirely different purpose. The adoption of the amendment, if it be adopted, will entirely nullify the amendment proposed by the Senator from Washington, in my judgment.

Mr. REED. Mr. President, the Senator from New Hampshire is in error. If the language which I propose were in the first part of the bill, which applies to the publisher, then his criticism would be correct; but it is placed in the bill where it is limited to those who shall knowingly deposit a paper or other publication in the mails. The first part of the amendment prohibits the sending of these things. The clause that I am seeking to amend affixes a criminal penalty for those who shall knowingly deposit an article. It applies not only to the publisher, but it applies to everybody.

It seems to me that even a newspaper publisher could not escape under this, because when he prints an advertisement he knows that the object and purpose of it is to promote the sale of liquor. He prints it with that knowledge. That is the sole purpose of an advertisement; but when a man sends a paper through the mails to some friend or business associate he

does not do it for the purpose of promoting the sale of liquor, but he does it for the purpose of conveying some other information contained in the paper.

Mr. NORRIS. May I ask the Senator from Missouri a question?

Mr. REED. Certainly.

Mr. NORRIS. I think I am in sympathy with the point the Senator from Missouri is trying to reach; but I want to call his attention to the fact that there is no penalty provided for the violation of the act except the one that he is seeking to amend. Consequently the language that he attempts to insert would apply to the publisher of the newspaper the same as it would to an individual who was sending such paper to a friend. Therefore, it seems to me, the objection made to the amendment by the Senator from New Hampshire [Mr. GALLINGER] would be good.

Mr. REED. I think it would not, for the reason that I gave, namely, that the newspaper man in printing the advertisement and putting it into his paper does it for the purpose of aiding the liquor dealer in selling his wares, whereas the ordinary individual does not.

Mr. NORRIS. But the publisher deposits his paper in the post office just the same as does the individual; and under the language which the Senator seeks to put in the bill it would be necessary to prove that the publisher did it with the intention of advertising intoxicating liquor; and he could answer, I think, as the Senator from New Hampshire has stated.

I suggested a while ago that some such amendment ought to be adopted to apply to the individual who might send a paper through the mails and innocently be brought into a great deal of trouble on account of this law. Therefore, the language that the Senator seeks to put in ought to be so framed that it would not apply to the publisher of a newspaper.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri to the amendment of the Senator from Washington.

Mr. JONES. I hope that that amendment to the amendment will not be adopted, Mr. President. That is all I care to say about it.

Mr. ROBINSON. Mr. President, I should like to ask the author of the amendment a question. Washington is a "dry" State, is it not?

Mr. JONES. Yes.

Mr. ROBINSON. If, for instance, the Senator's wife should visit California and should send to him in Washington a newspaper containing a statement of fact which she desired the Senator to have knowledge of, if she had no knowledge that the paper contained an advertisement of liquor, but in fact it did contain one, would she be guilty of an offense under the provisions of this amendment?

Mr. JONES. She would not.

Mr. ROBINSON. Why?

Mr. JONES. Because she would not have done so knowingly. She would not send the advertisement knowingly.

Mr. ROBINSON. If she knew the advertisement was in the paper and sent it to the Senator for the purpose of communicating to him facts relating to matters of interest to him, and had no desire to transmit advertisements of liquor, would that constitute an offense?

Mr. JONES. I hardly think so; but even if it would it would be a mere technical violation, and there are a great many technical violations of criminal laws. I do not think it would be a violation.

Mr. ROBINSON. What is the Senator's objection to so wording the amendment that such an act would not come within its purview?

Mr. JONES. I doubt very much if the amendment the Senator from Missouri proposes would accomplish that object without opening the door to a great many much worse things.

Mr. ROBINSON. That may be true; but that does not answer my question. If it is possible under this amendment to indict a citizen for such an action as I have described in my question to the Senator from Washington, the amendment ought to be modified so that an indictment would not lie in such cases. No one who is furthering this legislation, I take it, would object to such modification.

Mr. JONES. I do not think any indictment would lie under such circumstances; but, of course, a charge might be made against some one.

Mr. REED. The Senator may say that, in his opinion, an indictment would not lie, but the language of the amendment would cover the act just described by the Senator from Arkansas.

Mr. JONES. I do not think so.

Mr. REED. It would. The person charged would have knowingly put in the mails an advertisement of liquor and, having done that, the offense would be complete.

Mr. JONES. We can conjure up all possible dangers, of course, in connection with a proposed law of this character.

Mr. REED. When you write a law you should conjure up, if you have any sense, the things that are likely to happen under it.

Mr. ROBINSON. Mr. President, will the Senator yield to me for just a moment?

Mr. JONES. I am perfectly willing to allow the suggestion the Senator from Missouri has made to this bill to be considered in the light of the facts presented.

Mr. ROBINSON. If the Senator from Washington will permit me to make a statement in connection with his remarks in regard to conjuring up every possible evil, I wish to state that the newspapers in California in all probability carry liquor advertisements, because, if I am correctly informed, liquor is at present sold in California, and it is quite likely that no general newspaper published in that State is without some liquor advertisements. So that, if it became desirable to send to the Senator in a "dry" State a newspaper from some one in a "wet" State, the probability is that that newspaper would contain liquor advertisements, and the very condition that I have asked the Senator about would in practice actually arise. So I do not think that I am conjuring up anything, but I am asking a practical question.

Now, what I can not understand is this: No one who knows the Senator from Washington questions his sincerity in advocating prohibition legislation, and I am in sympathy with his effort to have a fair amendment adopted to prevent the circulation of liquor advertisements in prohibition territory; but I submit to the Senator from Washington that he can very easily modify his amendment so as to make it free from the objection.

Mr. JONES. The Senator says that it can be easily modified. If the Senator can suggest any amendment that will meet it without opening up the door to violations of the law, I will certainly accept it, so far as that is concerned; but we have to be mighty careful with legislation of this character.

Mr. ROBINSON. The Senator is familiar with this subject, and I do not think that one who has not given special study to it could submit the necessary amendment on the instant.

Mr. JONES. I have tried to think of some changes that might be made to meet a situation like that, but I must say I have been unable to do so without opening wide the door and practically nullifying the proposed law.

Mr. GALLINGER. I want to warn the Senator from Washington to be careful about these amendments that are being offered. My friend the Senator from Arkansas [Mr. ROBINSON] suggests that if the wife of the Senator from Washington were in California and mailed to him a paper containing a liquor advertisement—if she knowingly did so—she would be guilty; but I apprehend that the Senator's wife uses scissors, as most of us do, and if there was a liquor advertisement she could easily clip it from the paper or she could clip the article that she wanted to call attention to and send that. I think there will be no trouble about it.

Mr. JONES. And she would very likely do so. I am not worrying over that situation.

Mr. MARTINE of New Jersey. Mr. President, I believe the amendment permits the admission of liquor into the "dry" States for medicinal purposes. As a lover of humanity, I am prompted to say that I am alarmed when I stop to ponder how human ailments will multiply in that territory. [Laughter.] Ninety-five per cent of these "dry" men will have pains beyond description which they will try to assuage. [Laughter.] The counsel of St. Paul to Timothy, "Use a little wine for thy stomach's sake," will be on nearly every lip and tongue. They will be pleading for some gap, some loophole, whereby they may assuage their situation.

To my mind the whole situation has really become ridiculous and absurd. I can not imagine, as I said this morning, how a sane man, blessed with personal liberty all his life, and not interfered with by his fellows, can propose to establish such drastic and unreasonable regulations. God be with you, for I think your dreams must be nightmares. [Laughter.]

Mr. HUGHES. Mr. President, the amendment known as the Jones amendment, if it shall become a law, of course, will make it a crime for anybody to have a copy of his home paper containing liquor advertisements mailed to him in the District of Columbia. If legislation now pending, and which has already passed this body, becomes a law, I think that is correct. I will ask the Senator from Washington if that is not so?

Mr. JONES. I did not understand the question of the Senator.

Mr. HUGHES. We have already passed a certain bill with reference to prohibition in the District of Columbia. I have forgotten just how it deals with a proposition of this kind, but it would be against the law for anybody to mail a newspaper into the District of Columbia containing a liquor advertisement if that proposed legislation becomes a law.

Mr. JONES. No; we have not provided in that bill, as I understand, any prohibition as to advertising. We did not put in any provision prohibiting liquor advertisements in the papers, and all that my amendment relates to is territory where such advertising is prohibited by local law.

Mr. HUGHES. How many such States are there, I will ask the Senator?

Mr. JONES. I do not know just how many, but I think 13 or 14, or possibly more. Quite a good many of the States have adopted such legislation.

Mr. HUGHES. I do not know whether the bill which we passed with reference to prohibition in the District of Columbia contains any provision of that sort.

Mr. JONES. I am very sure that it does not.

Mr. HUGHES. The Senator is sure, and, of course, I will accept his assurance on that point.

One or two Senators have called attention to the fact that there may easily occur a great many innocent violations of this proposed legislation, and that is met by the suggestion that the word "knowingly" will operate to prevent a man who innocently violates the law from being convicted. It is very true that it is going to be extremely difficult to convict anybody under the language of this provision. Nobody is going to be convicted, in all human probability, under the language of this amendment, just as very few people have been or ever will be convicted under the language of the white-slave act.

This proposed legislation, however, will, if enacted, open up another door to blackmailers all over the United States. Many people may be in a position to prove perhaps before a petit jury that they did not knowingly commit a certain act, or may be in such a position that the Federal prosecutor could not possibly prove that they did knowingly do so; but, nevertheless, there is nothing to prevent a harsh and relentless Federal prosecutor—and there are some of them in this country who get practically 100 per cent of indictments in the cases which they lay before their selected and hand-picked juries—from getting an indictment and nothing to prevent him from getting before the same kind of a petit jury perhaps a conviction. Any lawyer or any man who has ever sat as a criminal judge knows, that under a fair administration of this proposed law it would be practically impossible in any event to secure a conviction in such a case as has been suggested here, but petit juries do not always give the language of the law the consideration that they should give it, and innocent persons may suffer, although I think it will be very difficult to secure convictions under the proposed act. However, the fact remains that it will be possible to secure indictments under this measure of innocent persons who may be haled into court and tried, and the question of their guilt or their innocence, their liberty, or their forfeiture of liberty, submitted to the tender mercies of a Federal jury, thousands and thousands of miles away from their homes, perhaps. It seems to me that this is carrying the desire to stop people from drinking whisky to unheard-of lengths, and I intend to vote against the amendment.

Mr. REED. I desire to withdraw the amendment which I last offered and to offer another in lieu of it.

The VICE PRESIDENT. The Senator has that right.

Mr. REED. Then I withdraw it; and, on page 2, line 3, I move to strike out the word "whoever" and insert the following:

If the publisher of any newspaper or any other publication or the agent of such publisher or if any dealer in said liquors or his agents shall—

Then, taking the language of the amendment—  
knowingly deposit or cause to be deposited—

And so forth.

Mr. GALLINGER. Mr. President, I inquire as to whether or not the former amendment offered by the Senator from Missouri was agreed to? I think it was.

The VICE PRESIDENT. It was.

Mr. GALLINGER. If so, I would like to have the amendment the Senator from Missouri now suggests read in connection with it. I think it will not be quite as the Senator would wish to have it.

Mr. REED. Does the Senator refer to the amendment that I offered a moment ago?

Mr. GALLINGER. Yes; and which was agreed to, as I understand.

Mr. REED. I do not think it has been agreed to.

Mr. GALLINGER. I would like to have that read in conjunction with the amendment the Senator now offers.

Mr. JONES. Mr. President, I should like to have the amendment now offered by the Senator from Missouri again read. I did not catch where it was to come in.

Mr. REED. The Senator from New Hampshire has preferred a request.

Mr. GALLINGER. Yes; I should like to have read first the amendment that was agreed to, and then the proposed amendment. I think there will be found to be a conflict in the terms, or a duplication, one or the other.

The VICE PRESIDENT. The Secretary will read the amendment which has already been agreed to.

The SECRETARY. To the amendment of Mr. JONES, on page 2, line 16, after the word "addressed," the following amendment has been agreed to:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory, the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be punished as aforesaid.

Mr. GALLINGER. That is not the amendment which I thought had been agreed to.

Mr. REED. The amendment to which the Senator evidently refers I have withdrawn.

Mr. GALLINGER. The Senator has withdrawn that amendment?

Mr. REED. Yes. Now, answering the Senator from Washington, the amendment I have proposed is to strike out the word "whoever," in line 3, on page 2, and to insert the following language:

If the publisher of any newspaper or other publication or the agent of such publisher or if any dealer in said liquors or his agent shall—

Then follows the language—

knowingly deposit or cause to be deposited or shall knowingly send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section—

And so forth.

Now, that will get the newspaper man who knowingly violates this law. It will get his agent. It will get the liquor dealer who is violating the law. Every liquor dealer who is now engaged in circularizing a State, advertising his liquors, will be caught by that law if he sends the advertisements through the mails. Every newspaper publisher who intentionally and knowingly puts an advertisement in his paper and sends it into dry territory will be caught by the law. But the private individual who is neither a liquor dealer nor the agent of a liquor dealer, who is not a newspaper publisher or the agent of a newspaper publisher, who sends a paper through the mails will not be within the language of the act.

Mr. JONES. Mr. President, I should like to hear it read once more.

The VICE PRESIDENT. The Secretary will again state the amendment to the amendment.

The SECRETARY. On page 2, line 3, it is proposed to strike out the word "Whoever" and to insert in lieu thereof "If the publisher of any newspaper or other publication, or the agent of such publisher, or if any dealer in such liquors or his agent," so that it will read:

If the publisher of any newspaper or other publication, or the agent of such publisher, or if any dealer in such liquors, or his agent, shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section—

Mr. JONES. Mr. President, of course it is very difficult, on the floor here, to determine just what the effect of the amendment may be. That amendment reads very well to me. I do not want to have legislation passed that is likely to result in what some of the Senators fear might happen under it; and I do not want to put any friend of this legislation in the attitude of being forced to vote against something that he thinks he ought to vote for. I feel that there are enough votes to pass this amendment in the shape it is in, but I do not want to have any Senator feel that he is compelled to vote for an amendment that he does not like very well. I am going to assume the responsibility of saying that that amendment is satisfactory to me.

Mr. REED. With the word "said," before "liquors," changed to "such."

Mr. JONES. Yes; so that it will read "such liquors."

The VICE PRESIDENT. The question is on the amendment as modified and amended.

Mr. BRANDEGEE. Mr. President, is that the Jones amendment now?

The VICE PRESIDENT. It is the Jones amendment.

Mr. BRANDEGEE. Has this proposed amendment to it been adopted by the Senate?

The VICE PRESIDENT. It has been accepted by the author of the amendment.

Mr. BRANDEGEE. Mr. President, before this amendment is voted on I want to say a very few words.

If the United States of America had adopted a constitutional amendment providing for national prohibition, I could see that this amendment would be a proper one. But, Mr. President, where, as at present under the law, this question is dealt with by the separate States, and where, as we are doing in this amendment by the accepting of the amendment offered by the Senator from Missouri, it is made a crime for any liquor to be transported from a wet State into a dry State, it seems to me utterly uncalled-for to say that no newspaper in a wet State which is advertising goods and wares which are lawful in that State shall be sent outside of the lines of that State into some State that has a different policy.

The object of this amendment is perfectly plain. The object of this amendment is not to prevent anybody mailing a newspaper or a publication to anybody else in a dry State. The object of this amendment is to prevent the newspapers and the other publications which are published in wet States from carrying any liquor advertisements. That is the object of this amendment, and that is its entire purpose. There can be no purpose whatever in excluding a newspaper from a dry State, if the newspaper carries a liquor advertisement, if the law of the Nation prevents any liquor going into the dry State. The object is to drive the newspapers of the country, under threat of being prosecuted for crime, into refusing all liquor advertisements in States where it is perfectly lawful to sell intoxicating liquors.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. BRANDEGEE. Yes; I yield.

Mr. OVERMAN. It is not quite along the line to which the Senator is addressing himself, but what I want to know is this: If a State prohibits the manufacture and sale of liquor, but allows a certain quantity of liquor to be shipped into the State—a quart a week has been illustrated here—has Congress any right to prohibit that liquor going into the State, where the State itself allows it?

Mr. BRANDEGEE. Mr. President, I think it has. I think clearly the United States Government and Congress can prohibit liquor from going into the State of North Carolina, for example.

Mr. OVERMAN. If the legislature of the State allows such products to be shipped in?

Mr. BRANDEGEE. Yes; I think that under the power to regulate commerce among the States Congress can prohibit it.

Mr. OVERMAN. Could Congress then say that no liquor should be shipped into Connecticut?

Mr. BRANDEGEE. I think it can say that no liquor shall be shipped into any State.

Mr. OVERMAN. Into Connecticut, even though the State has no prohibition law?

Mr. BRANDEGEE. Yes; all of them; and that is just what the Reed amendment is proposing to do. Now, I say I think it can legally do that; and even if the Jones amendment with the Reed amendment attached should be defeated, I should be in favor of adopting the Reed amendment prohibiting the shipping of liquors from a wet State into a dry State, because I think the people of that State ought to be protected when they vote "dry." But, Mr. President, simply because some of the States have gone dry I am utterly opposed to an attempt to force all the newspapers of this country that print liquor advertisements either to confine their circulation to their own States or else not to print the liquor advertisements.

Mr. GALLINGER. Mr. President, the Senator is not quite accurate when he says the amendment prohibits these newspapers going into States that have gone dry. It does not permit them to go into a State that has a law forbidding the newspapers of that State to publish advertisements of this kind.

Mr. BRANDEGEE. I will modify my statement to that extent. I see no reason for the adoption of this amendment; and I will say to the Senator, in view of the remarks he has just made—that the prohibition is not against going into a dry State, but is against going into a State which has a law prohibiting liquor advertisements in the papers published in that State—that no State will have a law prohibiting liquor advertisements in its newspapers unless it has gone dry.

Mr. GALLINGER. No; of course not.

Mr. BRANDEGEE. So that it amounts to the same thing.

I do not think we are called upon, Mr. President, to use the powers of the United States Government to control the press of the country on this question until the United States Government itself has made this traffic unlawful. If it had, then I agree that this would not do any damage; at least, it would not

be inconsistent with the national policy. But unless we are ready to amend the Constitution of the United States and make this Nation a dry Nation, I do not think the heavy hand of Congress ought to be put upon every publication in the United States of America, telling them what they can print and what they can not, when what they print is perfectly lawful under the laws of the State in which they reside and under which they are incorporated.

Mr. OLIVER. Mr. President, I agree entirely with what the Senator from Connecticut has said with regard to this amendment. I think legislation of this kind has gone too far. I am a newspaper publisher myself, and the newspapers which I control do not admit to their columns advertising of this nature. They circulate to a considerable extent in the neighboring State of West Virginia, which prohibits advertising of this character in its own newspapers. But, Mr. President, there are other reputable newspapers published in our section which circulate in that neighboring State; and as long as the liquor traffic is recognized by the laws of the United States, I do not feel that I have any right to sit here as a lawmaker and aid in the passage of a law which will be a handicap upon those newspapers which are competitors of mine.

For this reason, Mr. President, I do not propose to vote in favor of this amendment. I think it is a restriction upon the liberty and the rights of the newspapers of the country. As long as the newspaper owners see fit to admit such advertising into their columns, and as long as this traffic is recognized by our laws, I feel that these newspapers should not be shut out of the mails, and that these newspaper proprietors should not be subjected to the condition of criminals because they are following lines of legitimate business in admitting advertisements to the columns of their papers.

I hope the amendment will not prevail.

Mr. BANKHEAD. Mr. President, it seems to me that the purpose and effect of this amendment is misunderstood. There are four or five, perhaps six, States in the Union whose legislatures have enacted laws prohibiting the advertisement of liquors and other intoxicating beverages by the newspapers of those States. They are subject to prosecution if they violate that law. Now, I do not quite understand why papers and advertisers on the outside of the States that prohibit advertising within their borders by their papers should be permitted to flood those States with their whisky advertisements through the mails. This is simply an effort to aid these States in the enforcement of their laws.

If these laws are not wise, if they are wrong, the people of the States where these laws have been enacted are to blame and responsible for it. That is the only purpose of the amendment. It does not apply to a State where the legislature has not prohibited such advertisements. It does not apply to a State where whisky is sold in any way. There are in a number of States in the Union so-called dry sections, while other sections of the State are authorized to sell spirituous liquors, and do sell them. This amendment does not apply to States of that sort. This amendment does not apply to the State of Washington—the comparison was made a while ago as to the State of Washington—because that State has not yet prohibited the advertisement of whisky within the State by the press of the State.

Mr. JONES. Yes; I think the State of Washington has prohibited such advertisements.

Mr. BANKHEAD. It has been done very recently, then. I stand corrected. I am glad they have, so far as that is concerned.

Mr. JAMES. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. Yes.

Mr. JAMES. While this amendment in that particular may aid the State law, is it not true that where a State has gone, as we say, bone-dry, this amendment that is adopted nullifies the bone-dry provision of the law and allows whisky to be shipped in from the outside for the purposes exempted in the amendment?

Mr. BANKHEAD. That may be true, Mr. President. I did not vote for that amendment.

Mr. JAMES. It was adopted, however.

Mr. BANKHEAD. Yes; it is true it was adopted by the Senate. Now, that is all I care to say, except this—

Mr. JAMES. The point I was making, if the Senator will permit me, is this: In one particular the argument can be made for this amendment that it aids State law. In the other particular it is subject to the criticism that it nullifies State law.

Mr. BANKHEAD. I think that is true under the amendment that has been agreed to.

I merely want to say one word more, Mr. President. I have learned long since that there is no possible way of hurrying

legislation in the Senate; but I want to remind Senators, if I may be permitted to do so, that we are now within about 15 or 16 days of the adjournment by law of Congress. Many of the important appropriation bills have not yet passed the House. The most important ones have not come to the Senate. We have here the revenue bill, which must be passed before we adjourn; and it does seem to me that the Senate ought to be satisfied with the two days' discussion we have had on this amendment to the Post Office appropriation bill. It does seem to me that everything has been said that can properly be said on both sides of this question. I have refrained from any discussion of it because I thought perhaps others could do it better than I.

I want to appeal to the Senate, in the interest of legislation—I want to appeal to the Senate, in the interest of orderly proceedings in the Senate, if I may be permitted to use that phrase—to consent now that we may have a vote on this amendment, and let it go to the conference, where it must necessarily go; and it may be—I do not know, of course; I can not speak for the conferees—it may be that we will be able to work out a measure that will be entirely satisfactory to the Senate. But in any event I appeal to the Senate to discontinue the discussion that has been going on upon this particular amendment for two whole days.

Mr. JONES. Oh, no; it just commenced to-day.

Mr. BANKHEAD. Well, this and the other amendment. We had two amendments.

Mr. JONES. Yes.

Mr. BANKHEAD. I stand corrected; but we discussed an amendment all day yesterday. Now, we have discussed this amendment all day to-day, and while I do not know, it may be that some other amendment will be presented here that we will be called upon to discuss all day to-morrow.

That is all I have to say. I do hope the Senate will permit us to vote on this amendment, and take up some other legislation that must necessarily be passed before Congress can adjourn.

The VICE PRESIDENT. The question is on the amendment as amended. [Putting the question.] The amendment is unanimously adopted.

Mr. WADSWORTH. Mr. President, I realize the great desire of the Senator in charge of the bill to hasten its consideration, and I shall not consume more than four or five minutes unless I am interrupted.

I send two proposed amendments to the desk, and ask that they be read by the Secretary, and as each is read I shall explain its purpose and sit down.

The VICE PRESIDENT. The Secretary will state the amendments.

The SECRETARY. On page 30, after line 2, it is proposed to insert the following new paragraph:

That from and after the passage of this act the privilege of admission to the mails as second-class matter extended to the bulletins issued by State boards of health under the provisions of the act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, shall be extended to the bulletins issued by the boards of health of cities in the same manner and under the same conditions.

Mr. WADSWORTH. Mr. President, as the Senators probably know, the bulletins issued by the boards of health of the various and several States at the present time are carried as second-class matter in the mails. Up to a recent time the bulletins issued by the city boards of health have also been carried through the mails as second-class matter. A recent ruling of the department, however, has resulted in the boards of health of cities being informed that the bulletins issued by them must be carried at first-class rates instead of second-class rates. My amendment is to authorize the carrying of bulletins issued by city boards of health at second-class rates, as they have been carried up to very recently.

Mr. BRYAN. Instead of at third-class rates?

Mr. WADSWORTH. No, Mr. President. They have been carried at second-class rates for four years in the city of New York, we will say. Now, a recent ruling of the department demands that they pay first-class rates.

Mr. BRYAN. I think it is a good amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

The SECRETARY. The Senator from New York also proposes, on page 23, after line 20, to insert the following:

That the Postmaster General shall have full authority to grant to any employee not to exceed two weeks' sick leave in any one year with pay.

Mr. WADSWORTH. Mr. President, I should like to perfect that amendment by inserting the words "of the Postal Service," so that it will read "any employee of the Postal Service."

Briefly, let me remind the Senate that the employees of the United States Government here in the city of Washington are now permitted to take 30 days' sick leave; and that includes, as I understand, the employees of the Post Office Department on departmental duty here in Washington. They have 30 days' sick leave. The employees of the Postal Service in the field, outside of the city of Washington, are not permitted to have any sick leave whatsoever under the present statute. My amendment is designed to permit the Postmaster General to give those men two weeks' sick leave with pay in each calendar year.

Mr. BRYAN. While they have not sick leave, they do have 30 days' leave with full pay.

Mr. WADSWORTH. So also, Mr. President, do the employees in Washington, who get 30 days' leave and 30 days' sick leave. The employees in the Postal Service outside of Washington do not get any sick leave at all, and only 15 days' ordinary leave.

Mr. BRYAN. Mr. President, I am aware that in Washington the employees have about 70 or 75 holidays or days off, 60 of them with pay. That, however, is no reason why it should be extended to the whole country but is a reason for cutting down the holidays allowed here.

I raise the point of order that this is general legislation on an appropriation bill.

The VICE PRESIDENT. What is the point of order?

Mr. BRYAN. The point of order is that it is general legislation on an appropriation bill. It proposes to grant two weeks' sick leave, with pay, to the postal employees throughout this country—employees of the city post offices and other postal employees.

The VICE PRESIDENT. It does not read quite that way. It reads:

That the Postmaster General shall have full authority to grant to any employee of the Postal Service not to exceed two weeks' sick leave in any one year with pay.

That is conferring a discretion upon him, is it not?

Mr. BRYAN. No, Mr. President; that language is intended to direct. When we confer authority upon the President to do anything it is intended to be mandatory upon him, and it is universally construed that he would be directed and required to do it. But, Mr. President, even if you left it in the discretion of the Postmaster General, it would be general legislation.

The VICE PRESIDENT. Is there a law now fixing sick leave?

Mr. BRYAN. They have no sick leave. There is a law now granting 30 days' leave of absence with pay.

The VICE PRESIDENT. The Chair is not sure whether he is correct or not, but he is going to sustain the point of order.

Mr. GALLINGER. Mr. President, I offer the amendment which I send to the desk and will say just one word concerning it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 3, page 29, after the words "yearly salary," it is proposed to insert "of \$1,800," so that it will read:

That the maximum yearly salary of \$1,800 shall hereafter be paid to the rural carrier on Lake Winnepesaukee, who furnishes his own equipment.

Mr. GALLINGER. Mr. President, there is only one water route in this country where the carrier furnishes his own steamboat, and he has been allowed the maximum yearly sum, which is \$1,800, but some subordinates in the Post Office Department have made him a great deal of trouble, put him to much inconvenience; and while I think he has in every instance, except possibly one, got the money, yet he has had trouble about it. I propose to insert the amount in the bill, so that there can be no contention over it. It does not increase the salary at all, but simply defines it.

I ask for a vote upon the amendment.

Mr. BRYAN. It is strange, notwithstanding that under the peculiar language of the greater maximum he should get \$1,800, but I do not understand how there can be a maximum and then a greater maximum.

Mr. GALLINGER. I do not see. It is in the bill, however.

Mr. BRYAN. It is in the bill.

Mr. GALLINGER. I think the word "greater" has been stricken out.

Mr. BRYAN. It has been stricken out. As the bill reads now the maximum yearly salary shall hereafter be paid, and it would not operate to give this carrier \$1,800. The committee struck out the word "greater," and the contention of the department was that he ought not to have \$1,800.

Mr. GALLINGER. That is entirely a novel statement to me. I was not present when the word was stricken out. The fact is that he received \$1,800 last year.

Mr. BRYAN. The word was eliminated with the understanding that he would not receive it. I will read to the Senator what the Postmaster General says about it.

Mr. GALLINGER. I will give notice now that when the bill comes into the Senate I shall ask for a separate vote on that amendment which was made, because I had no knowledge of it.

Mr. BRYAN. Agreeing to the Senator's amendment will accomplish the same purpose.

Mr. GALLINGER. Certainly. I did not suppose there was any controversy as to the proper compensation for this carrier. It has been conceded.

Mr. BRYAN. If the Senator will pardon me, the Postmaster General says:

The carrier on this route should not be paid \$1,800 for the service rendered by him. The route is served by motor-boat operating but four and a half months in the year, and in connection with the performance of mail service the carrier conducts a lucrative freight and passenger business, and it is understood that his business is interfered with in no way by the delivery and collection of mail. It is noted that when this carrier performed double daily service during the month of July, 1915, he delivered 23,459 pieces of mail and collected 19,810 pieces of mail; that the total weight of all mail, including fourth class, during that month was approximately 171 pounds per day delivered and 46 pounds per day collected; and that the tour of service was, for the first trip, 4 hours and 30 minutes and for the second trip 4 hours and 15 minutes, making a total of but 8 hours and 45 minutes. This carrier should receive neither the lower maximum salary of \$1,200 nor the higher maximum of \$1,800 per annum, as it is believed he would be fully compensated for the service rendered if his salary were fixed in accordance with the regular schedule of salaries, based on distance traveled, as established by law.

That is all I know about it.

Mr. GALLINGER. I have not any knowledge of that law. The Postmaster General has been disposed heretofore to make trouble for this particular carrier. The carrier has a very fine boat that he has purchased himself, and it is splendidly equipped. He carries the mail to all the larger islands in Lake Winnepesaukee, which is a very extensive sheet of water. He has rendered very satisfactory service. I think I know that anything less than \$1,800 would be an inadequate compensation for this service. While there has been some contention about it in the Post Office Department, he received \$1,800 last year, after having some little trouble with the subordinates in the department; but I do think it is rather an extraordinary thing that an issue should be made now concerning this matter and an attempt should be made to reduce this salary.

Mr. BRYAN. Let me ask the Senator if he is familiar with this particular rural route?

Mr. GALLINGER. I have been over the route several times.

Mr. BRYAN. Does the Senator think the salary ought to be \$1,800?

Mr. GALLINGER. I certainly do, because I have consulted—

Mr. BRYAN. I will say to the Senator, then, let the amendment go into the bill, and he can have a separate vote on striking out the word "greater."

Mr. GALLINGER. Very well, if that is satisfactory. I did not know until this morning that it had been stricken out.

Mr. BRYAN. Or it can be reconsidered now.

Mr. GALLINGER. Will not the Senator allow the words I have submitted as an amendment to go into the bill and go to conference?

Mr. BRYAN. Yes; I am willing to do that.

Mr. GALLINGER. Then let the amendment be agreed to and let the matter go to conference. Then the controversy will be as to whether the word "greater" shall be restored or stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment, which will be stated.

The SECRETARY. After the word "maximum," page 29, line 3, insert the words "of \$1,800."

The amendment was agreed to.

Mr. NORRIS. I give notice that when we get into the Senate I shall ask for a separate vote on the shipping-subsidy amendment, commencing at line 16, page 22.

The VICE PRESIDENT. The Chair understands the Senator reserves the amendment for a separate vote.

Mr. NORRIS. Yes, sir.

Mr. KENYON. I desire to reserve for a separate vote the amendment of the Senator from Washington [Mr. JONES] and all amendments to his amendment.

Mr. SMOOT. Day before yesterday I think I reserved the right to offer an amendment providing that on and after July 1, 1917, drop letters should be mailed at a rate of 1 cent per ounce or fraction thereof. If not, I do so now.

The VICE PRESIDENT. If there be no further amendment as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Save those amendments which have been reserved for a separate vote, the question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE PRESIDENT. The Secretary will state the first reserved amendment.

The SECRETARY. On page 29, line 2, at the end of the line, the Senate, as in Committee of the Whole, struck out the word "greater," where it reads "that the greater maximum yearly salary."

Mr. GALLINGER. I did not want to make any issue about that. I was willing that the amendment as agreed to should go to conference.

The amendment was concurred in.

Mr. SMOOT. On page 4, line 15, after the numerals "\$32,000,000," I offer the following amendment.

The SECRETARY. On page 4, line 15, after "\$32,000,000," insert:

*Provided*, That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

Mr. SMOOT. Mr. President, in a letter dated January 30, 1917, to Hon. J. H. BANKHEAD, chairman of the Committee on Post Offices and Post Roads, the Postmaster General, in speaking of this matter, makes the following statement:

After carefully considering the matter, I believe the department at this time should ask Congress to reduce the rate on drop letters from 2 cents to 1 cent per ounce or fraction thereof. It was my desire that coincident with the reduction of the rate on drop letters the rates on second-class matter should be increased; but if the latter must be deferred for the time being, we may reduce the rate on drop letters at this time, provided no provisions are made in the bill for useless services or unnecessary expenditures for unwarranted increases in salaries and other items.

While this action would, no doubt, cause a deficit in the postal revenues for the first few years, it is believed that by pursuing the policy outlined the department would be able to place the Postal Service on a self-sustaining basis in a short time.

Mr. President, in the hearings on the subject matter of 1-cent drop-letter postage before the Committee on Post Offices and Post Roads of the Senate I find there is a popular demand for this legislation. There are some 10 pages of those hearings in which the petitions that have been received are recorded, coming from the leading organizations in the United States. There is not a State in the Union whose leading commercial and other organizations, including religious organizations, and, I may say, organizations of every character that have not petitioned for this legislation.

The estimated revenue from drop letters to the Government of the United States amounts to about \$54,000,000, based upon a test that was made a year ago last October for the first seven days of the month. We all know that drop letters are generally used by the business interests of the country on the first of the month in sending out statements and for other purposes, and therefore the test was at a time when the showing would be greater, as far as revenue is concerned, than at any other time of the month or season of the year. Under that showing it would appear that there would be a loss of \$27,000,000 a year.

But, Mr. President, if we take into consideration the history not only in this country but in Canada and other countries wherever there has been a reduction made in the price of postage the loss has been very slight, indeed. In 1883 when the rate of postage was reduced from 3 cents to 2 cents, for that year the total revenues of the Post Office were \$45,508,000, and the expenditures for that year were \$43,282,000. For the year 1884, one year after the postage had been reduced from 3 cents to 2 cents, the revenue of the Post Office was \$43,325,000 and the expenditure was \$47,224,000.

So, Mr. President, the decrease in the postage in our country on account of the drop from 3 cents to 2 cents was only \$2,183,000. I am quite positive that if drop-letter postage is reduced to 1 cent there will not be a difference of more than \$15,000,000 in the revenue, if so much. The Postmaster General says that he has no doubt but what there will be \$10,000,000 surplus at the end of the coming fiscal year.

So under any circumstances, Mr. President, there would not be a deficit at the end of the first year to exceed \$5,000,000, and I believe it will be less than that.

I wish to call attention to the fact that in the testimony before the committee it was shown that many of the larger institutions of the country that now deliver their monthly statements by messengers, if the rate on drop letters is reduced to 1 cent will immediately change that system and they will be delivered through the mails. The reason why they deliver by messenger now is because it is cheaper, but upon a basis of 1 cent it will be about equal to what it costs for the messenger service to-day. Therefore that, with other agencies that we know will use the mails for drop letters if drop letters pay only 1 cent, will enormously increase the number of such letters mailed.

There has been no reduction in postage rates since the year 1883. There is a universal call for it, and the Government of the United States can well afford to adopt it now. It is a fact that it does not cost much more than one-third of a cent each to handle drop letters, and when we are charging a cent on every letter there is a profit in the service of over one-half cent for each letter, even though the rate is 1 cent per ounce or fraction thereof.

Mr. President, I am perfectly aware that a point of order will lie against this amendment, but I hope the Senator from Florida will not interpose it but allow the Senate, if there is doubt as to what the Senate really desires in this matter, to express itself by a vote.

Mr. BRYAN. If the Senator will accept an amendment to the amendment, I will agree to it.

Mr. NORRIS. I should like to ask the Senator from Utah a question.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). To whom does the Senator from Utah yield?

Mr. SMOOT. I think the Senator from Nebraska rose first, and if the Senator from Florida will just permit him to ask me a question I will then gladly yield.

Mr. NORRIS. I should like to ask the Senator if, in his judgment, drop letters would include delivery to and from rural routes starting from the office where the letter was mailed?

Mr. SMOOT. The amendment provides that, I will say to the Senator.

Mr. NORRIS. I did not so understand.

Mr. SMOOT. It provides—

That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

That I understand was the point the Senator referred to.

Mr. NORRIS. Yes; the language does not seem to me to be plain. Suppose the letter were mailed at the office to be delivered out on the rural route; the Senator intends to include that letter?

Mr. SMOOT. I am sure the amendment would include it.

Mr. NORRIS. Suppose the letter were mailed out on a route to be delivered in town at the end of the route; would it include that?

Mr. SMOOT. You mean in a drop box?

Mr. NORRIS. Yes.

Mr. SMOOT. It would include that I think.

Mr. NORRIS. I will say to the Senator that I offered the same amendment last year, but I specifically provided in the amendment when I offered it that it should include those. It seems to me they ought to be included.

Mr. BRYAN. This amendment was prepared by the department.

Mr. NORRIS. Does the Senator from Florida say it would include that?

Mr. BRYAN. It would.

Mr. SMOOT. It would include it. I was going to say to the Senator that this is the identical language prepared by the Post Office Department to accomplish the purpose the Senator has in view.

Mr. NORRIS. All right.

Mr. BRYAN. Of course, as the Senator from Utah says, the amendment is subject to a point of order. If the Senator will accept an amendment to his amendment, I shall not interpose the point of order.

Mr. SMOOT. What amendment does the Senator propose?

Mr. NORRIS. We can not hear the colloquy over here. I hope the Senators will speak louder.

Mr. VARDAMAN. I wish the Senators would speak louder.

Mr. BRYAN. I propose to insert at the end of the Senator's amendment:

*Provided*, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be  $\frac{1}{2}$  cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof: *And provided further*, That nothing contained herein shall effect the free-in-county privilege on second-class matter or the present rate of postage on newspapers, when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. SMOOT. Of course, if I accept that amendment, I know there will be a point of order raised against it; but I will say this to the Senator: I am perfectly willing the amendment should be accepted, provided we can have it divided and have a vote in the Senate upon both questions.

Mr. BRYAN. Does the Senator accept it?

Mr. SMOOT. No, Mr. President; I am quite sure if I accepted it a point of order would be made.

Mr. BRYAN. The Senator may be just as sure if he does not accept it a point of order will be raised against his amendment.

Mr. SMOOT. Then I will accept it, in order that the whole amendment may go to conference; and now, Mr. President, I ask for a division of the amendment.

Mr. BRYAN. No; let us have a vote on it as one amendment.

Mr. SMOOT. Then I must accept the amendment, because if I do not it will go out on a point of order and prevent a consideration of the subject in conference.

Mr. BRYAN. Let the question be put.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears no objection. The Secretary will state the next reserved amendment.

The SECRETARY. The next reserved amendment is on page 22, beginning on line 16.

Mr. NORRIS. Mr. President, I had intended to make some remarks on that amendment, but I realize the lateness of the hour and the lateness of the session. All I care for is to have a separate vote on the amendment.

The SECRETARY. A substitute was offered and adopted for the committee amendment as printed in the bill.

Mr. NORRIS. I was not aware of that. I understood this amendment was agreed to as it is printed.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. A substitute amendment was offered and adopted at that point for the amendment as printed, as follows:

*Provided*, That hereafter the Postmaster General is hereby authorized and empowered to enter into contracts with American citizens for the carrying of the mail between United States and Great Britain on steamships built in the United States capable of maintaining a speed of 30 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 35,000 tons. The said service to commence not more than four years after the contract shall be let. The rate of compensation to be paid for the said ocean mail service shall not exceed the sum of \$10 per mile for the shortest practicable route for each outward voyage. The Postmaster General shall have the right to reject all bids not, in his opinion, reasonable for the attaining of the purposes named: *Provided further*, That all of the provisions of the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so far as they are not inconsistent herewith, shall control and apply to the methods to be used and the contracts to be made hereunder.

Mr. NORRIS. Mr. President, I was aware of the change in the amendment which the Secretary has read on line 1, page 23, but there appears to be no material change of the amendment as I have it. As I desire to have a separate vote on the amendment, so far as I am concerned I am ready that the vote be now taken.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. SMOOT. Mr. President, there are several Senators who have entered the Chamber since the amendment which was offered by me was agreed to. There were very few Senators in the Chamber at that time, and it has been stated that Senators now desire a reconsideration of the vote by which the amendment was agreed to. I therefore move that the vote by which the amendment was agreed to be reconsidered.

Mr. BRYAN. Mr. President, we might as well have the test on the motion to reconsider the vote by which the amendment was agreed to.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Virginia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Nelson	Smith, Md.
Beckham	Husting	Norris	Smith, S. C.
Borah	James	Overman	Smoot
Bryan	Johnson, S. Dak.	Page	Sterling
Catron	Jones	Penrose	Stone
Chamberlain	Kenyon	Poin Dexter	Swanson
Chilton	Kirby	Ransdell	Thomas
Clapp	Lea, Tenn.	Reed	Vardaman
Fernald	Lee, Md.	Robinson	Wadsworth
Fletcher	McCumber	Shafroth	Warren
Gallinger	McLean	Sheppard	Watson
Hitchcock	Martin, Va.	Shields	Williams
Hollis	Martine, N. J.	Smith, Ga.	

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. A quorum is present.

Mr. SMOOT. Mr. President, in order that the Senate may understand the motion made for a reconsideration, I desire to state that I offered an amendment providing for 1-cent postage on drop letters.

Mr. HUGHES. The Senator offered that amendment, the bill being in the Senate.

Mr. SMOOT. Yes; the bill is now in the Senate, I will say to the Senator. The Senator from Florida [Mr. BRYAN] suggested that he would not make a point of order against the amendment, as I had asked him not to do so, if I would accept an amendment which he would offer. The Senator read the amendment, and it was exactly the same amendment that was reported by the committee providing for an increase of postage on second-class mail matter. I thought that perhaps it would be best that the question should go to conference and let the conferees decide as to whether the 1-cent postage rate should obtain, even though the other part of the amendment should be disagreed to. In order that it might go to conference, I agreed to accept the amendment offered by the Senator from Florida, and the Senate agreed to the amendment as thus amended. Since then a number of Senators have come into the Chamber who feel that there ought to have been more Senators present than there were when the Senate passed upon it. Therefore, Mr. President, I have moved to reconsider the vote by which the amendment was adopted; and that is the question now before the Senate.

I desire to say that if the motion to reconsider shall be agreed to, I shall then offer my amendment as originally offered, providing for 1-cent postage on drop letters. As I have previously stated, a point of order no doubt will lie against it, and if one is made, of course, the amendment will be defeated.

Mr. SMITH of Georgia. Mr. President, I scarcely think any Senator would refuse to vote for this motion to reconsider. I scarcely think any Senator would deny that it is fair to all of us that the motion to reconsider should prevail. For two days we fought over this question. We came to a vote on a motion to suspend the rules, and by a substantial majority the Senate declined to suspend the rules and permit these amendments.

Those of us who were not present thought that this question was behind us; that it had been disposed of. We are all busy in our offices or in committees, and when we are not necessarily here we go to them. With the Senate in session from 10.30 to 6 o'clock we must spend time in committee work and with our correspondence while the Senate is in session. A number of us have been busy nearly all day as conferees upon the Agricultural appropriation bill. I desire to ask every Senator, in a spirit of fairness to those of us who were absent and who had not anticipated that this question could possibly come before the Senate, to give us a unanimous vote in favor of the motion to reconsider, so that we may have an opportunity of meeting this question, which we really thought we had disposed of.

Mr. BRYAN. Mr. President, to state the matter just exactly as it was, I will say that before the bill was reported to the Senate from the Committee of the Whole the Senator from Utah reserved the amendment which he offered. He said he reserved the amendment; but, as a matter of fact, there was no amendment, but the Senator simply offered when the bill reached the Senate a portion of the amendment on pages 4 and 5. He offered that portion providing for a reduction of postage to 1 cent on drop letters and on rural routes. I offered to that, as an amendment, and it was adopted, the remainder of the committee amendment as found in the bill, and the amendment of the Senator from Utah was agreed to as thus amended.

Mr. WILLIAMS. If the Senator will pardon an interruption, it was agreed to without a vote, was it not?

Mr. BRYAN. It was agreed to like all other amendments are agreed to.

Mr. WILLIAMS. Although we had fought over it for two or three days, and every Senator expected that there would be a roll call.

Mr. BRYAN. Well, I do not know, Mr. President. I do not want to treat any Senator unfairly, but this is the situation now: The Senator from Georgia very naively suggests that we reconsider the vote by which this amendment was adopted, but when we reconsider it, then a point of order can be made against the amendment, whereas now it is beyond the possibility of being killed by a point of order. That is the difference. If it could be unanimously considered that we have suspended the rule and that the point of order will not be made when the motion to reconsider is agreed to, I would have no objection to the vote whereby the amendment was agreed to being reconsidered.

Mr. President, in connection with the suggestion of the Senator from Georgia that there be unanimous consent to reconsider the vote, if he will incorporate in that a request for unanimous consent that we vote for this amendment on its merits and that no point of order will be raised against it, I have no objection to the Senate expressing itself.

Mr. SMOOT. Mr. President, no Senator can make any promise now for the Senate. The only question before us now is whether or not we will reconsider the vote whereby the amendment was agreed to.

Mr. BRYAN. Yes; I understand that.

Mr. SMOOT. Then, of course, as the Senator says, a point of order will lie against the amendment.

Mr. VARDAMAN. Mr. President, a point of order will lie against both amendments, will it not?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. It will lie against both amendments.

Mr. VARDAMAN. If the Senator will pardon me, I am very much in favor of both amendments; but, after the statement made by the Senator from Georgia [Mr. SMITH] and the statements made by other Senators who have opposed this provision, I do not think we can afford to tie their hands in this way. I think we ought to let it go to the Senate and let the will of the Senate be the law, so far as this branch of the department of the Government is concerned.

Mr. BRYAN. If that could be done, I would be perfectly willing to yield the advantage that is now gained; but to open this matter on a reconsideration of the vote means that any one Senator can defeat the will of the Senate on this important proposition, involving the loss to the Government every year of nearly \$90,000,000 in postal revenues, a loss taken out of the stamp tax upon first-class mail matter. I deny the right of any one Senator to deprive the Senate of a vote upon the proposition. One Senator, and one Senator only, has raised his voice against the Senate considering this amendment.

Mr. VARDAMAN. Mr. President, will the Senator yield to me? I realize the force of the Senator's argument, but it seems to me, after what has been stated upon the floor, that this amendment which he and I want was gotten through without an expression of the will of the Senate, and I do not think we can afford to take advantage of the technicality.

Mr. BRYAN. Now the Senator is making a speech. I will come to the question of the technicality. It is a technicality to keep the Senate from voting upon it—a pure technicality; nothing else.

Mr. VARDAMAN. But the Senate did vote upon it at one time.

Mr. BRYAN. No; the Senate never has had a chance to express itself upon this amendment reported by the committee. The Senate was deprived of that chance by a point of order raised by one Senator. The Senator from Utah says he is in favor of some of it now. He expressed as his reason for voting against it the fact that he never voted to waive any rule of the Senate to put general legislation on an appropriation bill. It is said that we are taking a technical advantage now, and yet we are asked to reconsider this amendment in order that one Senator here may take a technical advantage of the whole Senate.

Mr. JAMES and Mr. SMOOT addressed the Chair.

Mr. BRYAN. I do not yield now. Let me go on for just a minute.

Mr. SMOOT. I thought the Senator was through.

Mr. BRYAN. Mr. President, I for one am not conscious of having done anything wrong. This is the Senate of the United States. The bill first appears in the Committee of the Whole. It then goes into the Senate to be considered again. Amendments are in order there. Because, when the amendment is re-offered, the point of order is not raised there that was raised in the Committee of the Whole, it is said that we are technical; but when the motion is made to reconsider, it has but one purpose. That purpose is to allow one Senator to defeat the committee amendment.

I do not feel that I have a right to yield that advantage. I feel, now, that this amendment is in the Senate, where a majority of the Senate can decide it. A majority of the Senate can decide it on the motion to reconsider, and those in favor of giving this relief can vote against the motion to reconsider. It will hardly be fair to make the motion to reconsider, and to appeal to Senators for not a single Senator to object to that, in order to get it back into the Senate, where one man could kill the whole proposition.

I think when the Senator from Georgia reflects upon that he will see that there is some merit in it. The Senator from Georgia now wants all the Senate to put it back where one Senator can kill it.

Mr. SMITH of Georgia. Then I withdraw the suggestion that all do, and I ask that an overwhelming majority agree to it.

Mr. BRYAN. Then, Mr. President, all I ask is this: The question has been discussed. The technical objection can not now prevail, and the Senate has a chance to express itself upon the question of whether this amendment ought to be adopted. If a majority of the Senate are in favor of adopting it, they can vote against the motion to reconsider.

Mr. WILLIAMS. Mr. President, I do not want to discuss the merits of the proposed legislation, although I am very much opposed to raising the postage upon newspapers. In a certain sense magazines are luxuries, but a newspaper in these days is a necessity. The lawyer must have it to keep up with his profession. The merchants must have it to keep up with their quotations. Everybody must have the daily paper. I do not want to discuss that, however. I want to discuss the right and wrong of this situation.

In any proper sense this amendment has never passed the Senate. A little private conversation was going on in the usual way—one of the faults of the Senate—between two Senators. One offers an amendment and another one agrees not to make a point of order upon that amendment, provided the first Senator will accept an amendment which he offers; and then later the Chair says: "Without objection, the amendment as amended will stand adopted"—an important matter that Senators had been quarreling with one another about for two or three days—

Mr. SMITH of Georgia. And had voted on.

Mr. WILLIAMS. And had voted on indirectly, not directly. But there was not a Member of this body that expected this amendment to be adopted without a yea-and-nay vote. There was not a Member on either side of the dispute that would not have called for the yeas and nays. So that in any proper, moral, right sense the amendment has never been adopted at all. The sense of the Senate has never been expressed; and there is not one of us that did not expect, if it was expressed, that we would have a right to vote. For that reason some of us kept our mouths shut when the question was being debated.

Mr. JAMES. And it is true also, I will say to the Senator, that a majority of the Senate voted against suspending the rules, and it requires two-thirds to suspend the rules.

Mr. WILLIAMS. Yes; and a majority voted against it. They did not even get a majority. Now, in my opinion, two-thirds of the membership of this body is opposed to raising the postage upon newspapers, whatever may be the case as to magazines, and whatever may be the view of the Senate as to the drop-letter postage. I do not know what that is, but I am sure I am right in the diagnosis of the situation; and yet it gets upon the bill by a sort of an agreement that "If you will not make a point of order, I will not, provided you accept an amendment;" and then the Chair says—I did not hear it; I doubt if many Senators did—"Without objection, the amendment will be adopted."

I submit that it is not fair to one another. We have a right to cast our votes upon it. Now, then, I ask that every man who is opposed to this thing standing, done in the manner in which it was done, shall vote for the motion to reconsider.

Mr. HUGHES. Mr. President, I ask unanimous consent that, pending the motion to reconsider, the amendment offered by the Senator from Utah, as amended by the Senator from Florida, be considered as in order, so that the Senate, after the motion to reconsider is adopted, shall be given an opportunity to vote upon this matter.

Mr. WILLIAMS. I have no objection to that, provided the question is divided. I want a vote upon the drop-letter question, I want a vote upon the magazine question, and I want a vote upon the newspaper question.

Mr. HUGHES. That can be done under the unanimous-consent agreement.

Mr. WILLIAMS. And I will not make any objection to the unanimous-consent agreement if you couple with it a stipulation that there shall be a division of the question.

Mr. HUGHES. Oh, that follows, of course. That is the Senator's right.

Mr. SMITH of Georgia. That will not do.

Mr. JAMES. But, Mr. President, does the Senator think it is quite the fair thing to put up to the Senate, in view of what has transpired? Here is what occurred: This matter was debated, and a vote was had upon it. Under the rules, two-thirds was necessary to suspend the rule. Instead of two-thirds, a majority voted against suspending the rules. Now, while it was permissible under the parliamentary law of the Senate for the Senator from Florida to offer again his amendment, it is the unusual thing to do. The Senate usually relies upon such action as it took upon this matter as being final. No notice was given the Senate that the matter would be renewed.

Mr. BRYAN. Mr. President, let us get the confusion straight.

Mr. JAMES. The Senator had a perfect right—

Mr. BRYAN. The Senator from Utah offered the amendment for the drop letters.

Mr. JAMES. Yes; I gathered that, and then the Senator from Florida offered his amendment, the two together making—

Mr. BRYAN. Now, let me ask the Senator—

Mr. JAMES. Just a moment; the two together making the very question that the Senate itself had determined by a yeand-nay vote, and by a majority at that, to refuse to suspend the rules to consider. Now, what I am submitting is this—that the Senate had a right to rely upon its former action as having closed this question; and for it to be brought up again, and action to be taken upon it without any debate, when it was known in this body by its record that a majority had voted against suspending the rules, I do not think is right. As far as I am concerned, I am unwilling to give my consent to any conditions upon the motion to reconsider.

Mr. HUGHES. Mr. President, I would be perfectly willing to have this question decided on the motion to reconsider, and it is the only way in which it can be decided. I do not think the Senate is called upon to vote in favor of this motion to reconsider on account of the way the amendment went on the bill, however, because I sat here, as far away from the Presiding Officer as any man in this Chamber, and the Senator from Utah offered his amendment, and I heard every word he said; and the Senator from Florida offered his amendment, and I heard him; and at the request of some Senator sitting on the extreme left of the Chamber he read it, every word of it. There was debate upon it. There was debate by the Senator from Florida; there was debate by the Senator from Utah; and there was no excuse for any Senator in this Chamber not being thoroughly familiar with what was going on. The attention of the Chair was called to the fact that the question was ready for decision by the Senate. The Chair hesitated a moment, because, for some reason or other, he did not seem to know exactly what was before the Senate, as it seemed to me from here. Finally the slip was handed to him by the Secretary, and he said: "Without objection, the amendment is agreed to."

Now, so far, so good. The people have been benefited against the will of the Senate, it seems, from the position that some Senators take here. Inadvertently we have saved \$88,000,000 to the people of the United States.

Mr. SMITH of Georgia. Oh, no.

Mr. HUGHES. Inadvertently, we have provided that the people who have been receiving a service for \$88,000,000 less than it is worth shall pay something like what it is worth.

Mr. WILLIAMS. But we do not want it done in that way.

Mr. HUGHES. Because that was such unprecedented action in this Chamber, we are asked to throw party lines aside and abandon the previous positions we took on this question and vote for the motion to reconsider, because, forsooth, certain gentlemen were derelict in their duty, according to their own statements, and were not paying attention to what was going on in this Chamber, although they know—they are bound to know—that questions that are passed upon in Committee of the Whole come up again in the Senate.

I have been waiting here for an hour to get a vote on certain measures that I had no opportunity, or did not ask for an opportunity, to vote upon in Committee of the Whole. A very important matter was decided by a viva voce vote here a short time ago—the Jones amendment. I knew that I had a right to ask for a roll call on that motion in the Senate, and I let that proposition go over.

The only way in which this question can be decided upon its merits is for those Senators who agree to the principles contained in the amendment of the Senator from Utah and the amendment of the Senator from Florida to vote against the motion to reconsider. If there are enough Senators who believe that the amendment should be voted down, the Senate will have its way, and the Members will have their way, by voting against the motion to reconsider.

So far as I am concerned, I was present here all the time. That amendment was put upon this bill in a legitimate and proper way. In my judgment, it is a good amendment and saves millions and millions of dollars to the people of the United States; and if I am the only Senator in this body to do so, I shall vote against the motion to reconsider.

Before I yield the floor I will say that I have asked unanimous consent to have this proposition considered as in order, and that the gentlemen who are against it will give the Senate a chance to act on it. They have refused that consent. The only way in which the Senate can now act, in this parliamentary situation, is for those Senators to vote against the motion to reconsider who believe that we should have 1-cent drop letters and that we should compensate the Treasury by taxing certain

people a little more than they are now paying for a service which costs so much more than the Government gets from it.

Mr. SMITH of South Carolina. Mr. President, I am a member of the Post Office Committee, and if the Senators will recall when this proposition came before the Senate I gave notice that if the motion to suspend the rules prevailed I should offer an amendment excepting newspapers from the operation of the proposed raise in rates.

It is my opinion that the Senate was fully advised as to the purport of the proposed legislation and that its vote refusing to suspend the rules expressed the sentiment of this body in reference to the proposed legislation. I think it was so understood. I so understood it. Some Senator here has said that he would like to have the newspapers excluded. It was clearly understood, in case the rules were suspended, that a motion to that effect would be made. I think that the action of the Senate in refusing by a majority vote to suspend the rules was the judgment of the Senate in reference to this legislation at this time. I am more convinced that that is true because, despite the fact that some Senators said they would not vote to suspend the rules on principle, regardless of the thing for which it was sought to have them suspended, the rules have been suspended in the consideration of this very bill. Although I am in favor of the legislation as amended in the manner in which I propose to seek to have it amended, I shall vote to reconsider this vote, because I think the action of the Senate was clear-cut and unmistakable on the merits of the proposition and not on the motion to suspend the rules.

The VICE PRESIDENT. The question is on the reconsideration of the vote whereby the amendment was adopted.

Mr. ASHURST, Mr. SMITH of Georgia, and Mr. JAMES called for the yeas and nays, and they were ordered.

Mr. BRYAN. Mr. President, I am very much interested in this amendment. I do not want to treat anybody in the Senate unfairly. I think the Senate committee was subjected to a very technical objection here. This is rather an important question with which we are dealing. It is a question that has been fought over for 20 years. I do not know whether I have the right as an individual now, after having this proposition in order for the first time, to join in a request for a reconsideration in order that some Senator might kill it again. That is what is bothering me about voting to reconsider. I would rather vote to reconsider and risk that than to have any Senator feel that any sharp practice has been brought to bear on this bill. I do not see how there has been myself.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. BRYAN. Certainly.

Mr. CLAPP. I do not think there is a Member of the Senate who for one moment thinks there was any sharp practice in putting in this amendment. I do not think the Senator from Florida should feel that that thought is entertained by anyone on this floor.

Mr. BRYAN. Then, Mr. President, if that is true, we are deliberately placing this amendment in a position to be murdered by one Senator. That is all there is to it. We are throwing away the chance to reduce the burden that is resting upon users of first-class mail \$28,000,000. We are throwing away the chance of making these newspapers contribute something toward their cost to the Government. I will be willing for the Senate to reconsider it. I suppose they will. I do not know about that. But I have about come to the conclusion that, as far as I am individually concerned, I am going to vote against it. I do not feel that I have the right to put back a proposition involving so much just in order that it may be said I was accommodating.

Mr. GALLINGER. Will the Senator permit me? I have been very diligent in my attendance upon the Senate, not only to-day but other days. I did not know that this matter was coming up. The Senator from Utah presented it and made his speech covering at least 15 minutes, and the Senator from Utah talks so that we all hear him. I was paying attention to it. The Senator from Florida suggested that he would not support it unless it was amended as he suggested. That was accepted by the Senator from Utah. The Chair announced after a proper delay that it was agreed to without objection. So there was no snap judgment about it.

Mr. BRYAN. I read the whole thing to the Senate.

Mr. GALLINGER. The Record will show to-morrow that the Senator from Utah made rather an elaborate speech for him. He does not talk at great length except on rare occasions; but it was thoroughly understood by the Senators who were present.

Mr. BRYAN. I thank the Senator for that.

Mr. SHIELDS. May I ask the Senator from New Hampshire a question before he takes his seat? Was there not some confusion in the amendment, in the manner in which it was to be submitted, by the contention of the Senator from Utah stating that he would accept the amendment, or words to that effect? I could not hear it fully. The Senator was here and did hear it. He said, "I will accept the amendment, provided it be divided." In other words, there was to be a separate vote on the decrease on drop letters and on the increase on newspapers. That was really the way it was presented, and it got into the other tangle, and was put into it, by some colloquy between the Senator from Utah and the Senator from Florida which I did not hear. I know I was surprised by the question having been put as one amendment, and simply by the words "being unobjected to it is agreed to."

Mr. GALLINGER. I think the Senator from Tennessee states it accurately, as I recall it.

Mr. BRYAN. I am much obliged to the Senator from New Hampshire. I read the proviso deliberately and slowly, and I thought every Senator here understood it. I was not trying to take any snap judgment on the Senate. The Senator from Utah said to me he realized it was subject to a point of order, and he did not want me to raise it. I was in this position with reference to that. I had talked here for two days to get the Senate to allow this amendment to be in order. The position of the Senator from Utah would have forced me to raise a point of order against the provision I was in favor of, that I had tried to suspend the rules of this body in order to get considered.

If the Senate simply wants to vote on the proposition, that can be easily adjusted, and it is, of course, divisible upon request of a single Senator; but if we put it back and vote to reconsider the amendment, then it is subject to a point of order. It is not now.

The question that troubles me is, Have I a right, as an individual who is not interested in this matter one way or the other, to surrender the advantage that has been gained for the people we all represent? Like the Senator from New Jersey, I do not believe I have that right.

Senators in this body understand perfectly well that if they want to oppose legislation, the place for them to express that opposition is here, where the legislation is being enacted. You can not very well oppose the Post Office appropriation bill over in the Senate Office Building or in an office or down town. That ought to be understood. Here we have been working day by day for several days to get it passed. I thought it was sufficiently evident to some of us who are so vitally in favor of this bill that we took up two or three days to fight for it and pleaded with the Senate to give us the right to vote upon it to let the Senate vote its will.

Every change that has ever been made in the postal rates has been placed upon the Post Office appropriation bill. Senators, this matter has been fought through by President and commission. President Taft five years ago appealed to Congress to take this step and submitted the report of the commission, but the attempts were made always on an appropriation bill, on this annual bill, to get some measure of justice, and a point of order always stopped it.

Mr. SMITH of Georgia. But on an independent bill, where no point of order could be made, there would be full and free consideration.

Mr. BRYAN. It would have full and free consideration; it would have too full and free consideration. It would be talked and filibustered to death. It is the first time a proposition like this has ever been able to come out of the Senate Committee on Post Offices and Post Roads.

Mr. VARDAMAN. Will the Senator yield to me for a moment?

Mr. BRYAN. I yield.

Mr. VARDAMAN. The statement the Senator has made amounts to an admission that a majority of the Senate does not approve the amendment. Now, when the Senator—

Mr. BRYAN. I do not make that admission. I think a majority of the Senate do want it.

Mr. VARDAMAN. I myself very much favor it, but I do not think we can afford to legislate by parliamentary finesse or short cuts. It is manifest to my mind that the action of the Senate on the motion to suspend the rules indicates that the Senate was against this particular amendment. All that the able and eloquent Senator from New Jersey [Mr. HUGHES] said this afternoon about the conduct of the Senators may be true. Every Senator should be in his seat. We all understand the rules governing this body, but we also understand the habits and common faults of us all. The fact remains that Senators were not in the Chamber when the agreement between the Senator from Utah and the Senator from Florida was made

with reference to this amendment. It was done without the knowledge of a majority of the Senate, and while I favor very heartily that which they agreed to I shall vote to keep the amendment in the bill. But under the circumstances I feel in honor bound to vote in favor of reconsideration. I believe in majority rule.

Mr. BRYAN. The only way to carry a measure is by those in favor of it to vote for it. Senators say this is not an opportune time to vote for it. The way to pass this amendment is to refuse to reconsider it. Let Senators say we will take a fair, square vote on it, and let the Senate determine whether it wants it or not. If the Senate will do that, there is no Senator who will object to its being reconsidered, but they are asking us to reconsider upon the claim that it is not exactly right to bring up the matter again in the Senate after having been considered and disposed of in Committee of the Whole.

Mr. SMITH of Georgia. Mr. President—

Mr. BRYAN. I do not yield just now.

Mr. SMITH of Georgia. Let me ask a question.

Mr. BRYAN. In just a minute. You are going to reconsider it and put it back in order to do what? In order that the Senate may express itself? In order that we may have a division on this question? No; in order that one Senator may take it out of this bill.

Now, when Senators ask us to reconsider, have we not a right, those of us who favor this legislation, to say, "Well, we will let it be reconsidered; divide it up as you please, but let us vote on it." But if a majority of them say, "We will reconsider this amendment already adopted" it will go back and one Senator can raise the point of order and kill it. That is asking a majority of the Senate not to take advantage of an individual Senator; it is asking a majority of the Senate to put itself in a position where one individual can take advantage of the whole Senate. That is what we are being asked to do here.

Mr. President, I hope it will be settled without any reconsideration. There was no action taken in the Senate except in the open. There was no attempt to evade. Who criticizes the Senator from Utah? Nobody. He is not subject to any criticism. He gave notice that he was going to ask to have this matter considered again. The Senator from South Carolina said that he gave some notice about it. Senators who were away because the point of order had been sustained in the remaining days of the consideration of the bill should be here for its consideration. An individual Senator ought to be the one to worry about a point of order when there was an expressed wish by a goodly portion of the Senate that they should have the opportunity to vote.

Senators say the majority voted against waiving the rule. That is true, Mr. President, a majority of three. One of that majority claimed that he voted against it because he would vote against suspending any rule except in a case of great emergency. Yet that Senator has offered the 1-cent letter postage part of the amendment. So that would make a vote of 35 to 36, and that is enough. Take 35 of us, and you ask us to put ourselves in the position of allowing one Senator under the influence and power of the press to kill the whole measure.

I should like to be accommodating to him and to hear my friend from New Jersey discuss it. This is my last chance ever to help bring this about, and Senators have been here for 20 years trying to do it and have never had an opportunity. I do not believe I have the right to accommodate one Senator in this body by surrendering valuable and important rights of the American people.

Mr. President, I think those of us who are in favor of this amendment ought to vote against the motion to reconsider.

Mr. WILLIAMS. Mr. President, the Senator from Florida is mistaken in one of the statements that he has just made. I voted, for example, to suspend the rule. I did not vote for it because I was in favor of all of the legislation. I voted for it, as did the Senator from Minnesota [Mr. CLAPP] and various other Senators, because we wanted to give the Members of the Senate an opportunity to vote on each of these separate propositions, and we could not give them that opportunity without voting to suspend the rule. Five or six certainly, and, I think, more, of the Senators who voted to suspend the rule were opposed to more or less and some of them to all of the legislation.

Mr. President, this is very important legislation. There is great divergence of opinion upon it. There are very decided opinions upon both sides. I say that the Senate as a body never expected any of this legislation to be passed without a roll call. Under conditions of that sort ordinarily a point of no quorum is made when there is not a quorum—and there was not upon this occasion—so that Senators may have notice that

an important question is about to be voted upon, and that they may be here. That was not the course taken in this case. I am quarreling with nobody about it. They had a perfect right to do whatever was done in the technical parliamentary sense; but that is a fact.

All I want is to have a vote of the Senate upon these propositions. That vote ought to have been given us. Our attention ought to have been called to this important question by making the point of no quorum, if necessary, so that Senators could be here. I want to do nothing unfair.

I want now to make a request for unanimous consent, which, in my opinion, will put this whole matter upon the proper basis. I do not want to cut the Senate off from a vote. I do not want any one Senator to have an opportunity to defeat this legislation. I would not want any one Senator to have the opportunity to put it through. I shall therefore ask unanimous consent that this vote be reconsidered, and that the Senate proceed to vote upon each one of the three propositions involved in this amendment separately.

Mr. BRYAN. And that no point of order shall be raised.

Mr. WILLIAMS. Of course. I say proceed to vote, and that settles it. I ask unanimous consent that this vote be reconsidered, and that thereupon the Senate shall proceed to vote upon each of the questions involved in this amendment—drop letters, raising postage on magazines, and raising postage upon newspapers. That will be the fair thing. The Senate has a right to be heard.

For myself, I differ with the ruling of the Chair concerning the point of order, but I am not a good parliamentarian; I never was. I attribute some of my success in public life to the fact that I never was. But I should like to make that request for unanimous consent. I ask unanimous consent that this amendment as amended be reconsidered and the Senate thereupon proceed to vote upon each of the questions involved in the amendment. I think that is fair and right.

Mr. MARTIN of Virginia. Mr. President, I object to the unanimous consent the Senator from Mississippi asks. I am not willing to be put on terms in respect to this matter.

Mr. WILLIAMS. I do not want to put anybody on terms, Mr. President. I am proposing to coerce no man. I was very politely and very courteously making a request for unanimous consent, and any Senator has a perfect right to refuse to concur with the unanimous consent; but I hope I will not be put in the attitude of being a public enemy and coercing somebody or making any terms with anybody either, except that I was asking the Senate to do something that I think would be fair and right.

Mr. MARTIN of Virginia. I had no idea that my remarks would be construed as at all disagreeable to the Senator from Mississippi. I simply meant that this matter ought to be considered on its merits and the right of every Senator to make a point of order I wanted preserved, if anybody wants to make a point of order. I do not.

Mr. WILLIAMS. I want to have it considered on its merits, and I shall vote to reconsider if the request for unanimous consent is not granted, because I am not willing for this thing to stand done the way it is done.

Mr. BORAH. Mr. President, I think the proposition which the Senator from Mississippi has made is a very fair one, and it ought to have been acceded to and would be acceded to if the Senate was willing to meet this proposition openly and squarely and fairly. We have been contending in regard to this matter for years, since I have been here, and I presume long before I came, and by some modus operandi the Senate always avoids meeting the matter squarely and fairly.

I should very much prefer to see the vote by which the amendment was agreed to reconsidered, in view of the apparent misunderstanding with reference to the matter which was voted upon; but I dislike to see it reconsidered when we know it is for the express purpose of taking it out upon a mere technicality and of preventing the Senate from passing upon the subject at all.

This is a matter of considerable moment; it has grown almost into a scandal. The way the Senate of the United States has disposed of it is almost an indictment against this body. We are advertising the fact now that we have not the courage to meet this question, and we are hiding behind a technicality in order to avoid meeting the question. Can a Senator stand here and say, as the Senator from Virginia [Mr. MARTIN] says, that he wants to meet the question upon its merits, and then object to unanimous consent which will bring it up for consideration upon its merits? It is apparent upon the face of it why the objection is made.

Has the Senate of the United States come to the point where it is unwilling to record its vote upon the merits of a question, and will get behind the technical rules which it makes and

which the people can not control? I admire the able and courageous stand which the Senator from Florida [Mr. BRYAN] has taken in this matter. It is a tribute to his character and to his standing, that he has made the fight which he has made.

Mr. ROBINSON. Mr. President, I think the request for unanimous consent submitted by the Senator from Mississippi [Mr. WILLIAMS] should have been granted and that the Senate should have been given an opportunity to vote squarely upon this question.

I concur in the statement made by the Senator from Idaho [Mr. BORAH]. The amendment in the form that it has been agreed to is not entirely acceptable to me, and I should like to have an opportunity of modifying it or of voting to modify it; but I shall vote against the motion to reconsider, unless the Senate is given an opportunity to express its conscience on this subject.

Mr. BANKHEAD. Mr. President, I have sat in my seat and listened carefully to the Senator from Utah [Mr. SMOOR] and to the Senator from Florida [Mr. BRYAN], and I think it is exceedingly unfair and unjust to intimate in any way that the Senator from Florida has taken an undue advantage of the Senate in the matter in which he has been engaged.

Mr. President, I want an opportunity to vote for 1-cent drop-letter postage. I want an opportunity to vote to exempt, if it can be done, the newspapers that are included in this amendment, or at least a large class of them.

There are three distinct propositions contained in the amendment: One is 1-cent drop-letter postage. I do not believe that there is a Senator here who objects to that amendment, provided, of course, he feels that the revenues of the Post Office Department can stand that reduction without an increase in the revenues from some other direction. That everybody concedes ought to be the rule.

It seems to me, Mr. President, that the Senate ought to be willing to consider these three separate and distinct propositions on their merits, if they have merit, and they have some merit. I for one very seriously question the wisdom of giving 1-cent drop-letter postage unless we can find somewhere by some means an opportunity to increase the revenues of the department from some other direction. I feel that it will bring about quite a large deficit; but I am willing to risk that. I do not believe it ought to be expected of the Post Office Department that it should be a profit-making institution. The business and the duty of the Post Office Department is to give the people of this country the most efficient post-office service that it can render, without reference to the cost, provided the administration is economical and businesslike.

Is some Senator here, if this vote should be reconsidered, going to rise in his place and make the point of order against the 1-cent drop letter proposition? Some of us fear he will. These matters, Mr. President, are entitled to be considered upon their merits in the Senate. I am almost persuaded to vote for a reconsideration, with the hope and belief that all Senators will be fair enough and just enough to give the Senate of the United States an opportunity to consider each one of these questions on its individual merits. Therefore it seems to me that there ought not to be any difficulty whatever in reaching a decision that, if this vote is reconsidered and the questions brought back to the Senate for consideration and action, the Senate will have an opportunity to consider the propositions contained in the amendment.

I know, Mr. President, that there are some Senators who are so very much opposed to increasing the postage on second-class mail matter that they would be willing to sacrifice the other question of giving the people of this country the advantage that 1-cent drop letter postage would bring. Everybody knows that second-class mail matter does not pay its just proportion of the revenues; everybody knows who has given the matter any consideration whatever that there is from seventy to ninety million dollars deficit between the revenues derived and the cost of the transportation of that matter.

On the other hand, I know it is argued with force that this is the wrong time to make this increase; that print paper has increased in cost; but I also know, Mr. President, as most Senators know, that advertising has also increased in cost. We all know that many of the magazines contain 80 per cent of advertising matter and that it is the very highest class of advertising matter. Some of the magazines receive as high as \$5,000 a page per issue; and yet it is said, notwithstanding these facts, that Senators are willing to continue under existing conditions because print paper has advanced in price. They do not take into account any other considerations which connect themselves with this question.

But there is no use in discussing that question. I presume if we can get this matter before the Senate, and the Senate is

going to be fair, as I believe it will, and give us an opportunity to consider these questions upon their merits, that perhaps the Senate, when it comes to consider the question of second-class mail matter as it relates to magazines, may conclude that a small advance in the postage rate would be justified.

However, Mr. President, we are not going to agree, in view of the advance in the cost of print paper used by the newspapers of this country, to increase their postage rates. I am not going to undertake to say here in this presence why we are not going to agree to do so. Everybody understands the reason why we shall not agree to increase the cost of the transportation of newspapers.

Mr. President, I am at a loss to know what to do about this matter—

Mr. OVERMAN. Mr. President, will the Senator allow me a moment, in order that I may make a parliamentary inquiry?

Mr. BANKHEAD. I yield to the Senator.

Mr. OVERMAN. I understand the bill is now in the Senate?

Mr. BANKHEAD. Yes.

Mr. OVERMAN. And this amendment has been adopted in the Senate. I want to ask, if the Senate decides not to reconsider the vote whereby the amendment was agreed to, can not these three questions be tested in the Senate by amendment?

The VICE PRESIDENT. No; the amendment has been agreed to.

Mr. OVERMAN. I understand the amendment has been agreed to; but a new amendment having been agreed to, new matter having been added in the Senate which went out of the bill as in Committee of the Whole, can not the bill be further amended along that line?

Mr. BANKHEAD. If that were the case, there would be no necessity for reconsidering the vote.

Mr. OVERMAN. The point I have in mind is, even if the vote is not reconsidered, can we not reach it in another way?

Mr. BANKHEAD. Mr. President, I was about to say—and that is all I intend to say—that I am greatly troubled about this situation. I want to vote for 1-cent drop-letter postage. I believe that two-thirds of the Senate desire to vote for that change. I want to vote for excepting newspapers, or a certain class of them, perhaps not all of them, from the operations of the provision of the amendment increasing the rate on second-class mail matter. I should like to vote to increase the postage on magazines and second-class matter of that kind; but, if we can get a vote on each of these questions in the Senate, I shall be content with whatever the Senate does. We are entitled to such a vote.

I desire to repeat what I said in the beginning, that the criticism of the Senator from Florida, if what has been said can be construed as criticism, is unfair, unjust, and unwarranted, because nothing has been done that it was not his right to do, and nothing has been done that it was not his duty to do under the circumstances.

That is all I care to say, Mr. President. I have not decided whether or not I shall vote to reconsider, but I would unhesitatingly do so if I thought that we could get a vote in the Senate on these propositions.

Mr. SMITH of Georgia. Mr. President, there are three propositions contained in the amendment as reported by the committee. I am opposed to them all. I am opposed to each of them in the shape in which the question is presented.

The Senator from Alabama [Mr. BANKHEAD] says it is well understood why a number of Senators oppose increasing the charge on the daily papers. I do not know what he means to imply, but I know why I am opposed to it on papers that go not a hundred miles from the office of publication. It is because they now pay all it costs the Government to carry them, and there is no excuse for adding a cent a pound for carrying daily papers that do not go over a hundred miles. I am opposed to the newspaper provision because I think it puts an unjust burden on the daily papers that are transported only a limited distance.

Coming to the magazine proposition, I am opposed to that because it is not scientifically drawn. It is not drawn so as to place the charge where the burden comes upon the Government. The great burden comes from the length of the haul, and the only way to make a fair charge on magazines is to proportion the charge to the length of the haul. I am in favor of taxing them; I am in favor of increasing the postage against them based upon the length of the haul, based upon the service rendered; but I am not in favor of a flat rate upon all, charging the same increase to a publication that goes across the entire Nation and costs at least 15 cents a pound for haul that is put on one that goes but a hundred miles.

Mr. TOWNSEND. Mr. President, inasmuch as the Senator has such deep convictions on that matter, what objection can there be to bringing this matter up and letting him present his ideas in the form of an amendment, and let us vote upon the proposition?

Mr. SMITH of Georgia. I will come to that in a few moments. I do not think this is a wise time to reduce the rate on drop letters. We need more money. We are seeking in all directions to raise money. The present rate is not a heavy burden, and I think that while we are straining for revenue we can very well afford for the present to leave the 2-cent rate on drop letters. The chances are that within the next 60 or 90 days we will need a good deal more revenue than we expect to raise by the pending revenue bill, and we will be called upon to provide additional means to raise revenue. If you consider the extra cent on letters as a tax, the tax is well distributed, and for the present the revenue is needed and should not be disturbed.

Now, as to the situation that confronts us. We debated a motion to suspend the rules; we discussed this whole subject; with a full Senate we voted on it, and by a majority voted not to suspend the rules. It is well known to Senators that those of us who are away from the Senate are usually not away for pleasure. There are committees in session, and when the Senate is meeting at half-past 10 in the morning we are obliged to go to our offices a part of the time and work there. It is not a neglect of our duties to be in our offices at work when the Senate sits from half-past 10 in the morning until 6 in the evening. We must take time to go to our offices when we think there will not be before the Senate subjects in which we are especially concerned and when we think votes will not take place. We had fought out this question of suspending the rules to consider this amendment, which was designed to make such a radical change in our Postal Service, and half of the Members of the Senate now present were at work in their offices or in committee rooms when the amendment was offered in the Senate. It was reasonable to believe that such a question as this would not be submitted to a vote without the suggestion of the absence of a quorum or a call for the yeas and nays. Mr. President, if we can not rely upon a vote such as the one we had on this subject and which practically settled it, at least guaranteeing us that we will get notice and have a chance to come back and vote if the question is to come up again, then we can scarcely go to our rooms at all to attend to business.

I do not suggest any unfairness on the part of any Senator. There is not a Senator for whom I have a warmer affection than I have for my next-door neighbor, the Senator from Florida [Mr. BRYAN], and I know that nothing could induce him to do an act that he did not think was fair; but now is it not just for us who come back into the Senate and tell you that we were busy in our offices, inasmuch as we had fought this proposition out once and defeated the motion to suspend the rules, even by a majority, and had no thought that you would bring it to another vote without a call for a quorum or a call for the yeas and nays—is it not right to reconsider that vote and give us a chance?

I want to say that, while I am opposed to the propositions involved in this amendment, I do not intend to make any point of order against them. I do not think they ought to have been attached to this bill. For myself I will not make the point of order, but I do hope the Senate will reconsider the vote and not set the precedent of action of this kind without giving Senators who were absent the privilege of reconsideration when they come back into the Senate.

Mr. TOWNSEND. Mr. President, I quite agree with the Senator from Georgia that there ought not to be any snap judgment taken in the Senate to the disadvantage of any Senators, although that has not always been the rule which has obtained here. I deny, however, that there has been any snap judgment taken in this case.

Mr. SMITH of Georgia. Mr. President, I did not say there was "snap judgment."

Mr. TOWNSEND. I understand that.

Mr. SMITH of Georgia. I did not mean that at all. I said it was regular and proper.

Mr. TOWNSEND. The fact of the matter is that the Senator from Utah [Mr. SMOOR], not a member of the Committee on Post Offices and Post Roads, arose and made a speech in the Senate in a tone of voice that everybody here could understand. He spoke to the Senate. The conditions in the Senate were the same as those that have obtained in this body during all the consideration of the Post Office bill. He proposed the amendment with reference to 1-cent drop-letter postage. After he had made his speech the Senator from Florida [Mr. BRYAN], in

charge of the bill, rose and offered his amendment, reading from the bill the proposition which he asked to have submitted as an amendment to the amendment of the Senator from Utah. There was some discussion between the two Senators. The Senator from Utah did not wish to have the second-class mail amendment put on. The Senator from Florida insisted that it must go on. After a while consent was granted. The Chair asked if there was any objection, and after waiting quite a long time no objection was offered, and he declared the amendment as amended carried. Understand, the question was opened not by a member of the committee or by a Senator favorable to the committee amendment, but by a Senator who voted against the proposition to suspend the rules to consider the matter in the Committee of the Whole.

Mr. President, I do not propose to discuss the merits of the proposition to change the rates of postage. That matter has been discussed in the Senate, and if consent is given to reconsider and the subject is laid before the Senate on its merits it can be discussed further and amendments offered. I simply wish to direct myself for a moment to the question which is immediately before the Senate, namely, whether we shall reconsider the vote by which the amendment was adopted.

Believing as I do, and knowing as I do, that this amendment was adopted properly, I dislike very much to give up any possible advantage which it may have, although I would be very glad, indeed, to vote for a reconsideration if the propositions before the Senate could be considered upon their merits. It has been suggested that this amendment was not a proper one to be placed on the Post Office appropriation bill; but, sir, we have seldom passed any legislation affecting rates and other postal matters except upon an appropriation bill. Such action has always been taken by unanimous consent.

I have great respect for the opinions of others. I want them to have the same freedom of expression that I ask for myself; and unless I am convinced that the arguments are presented by Senators interested in the matter at issue, they will be given my conscientious attention. It does not seem possible to me, sir, that Senators interested in this matter will, through a technicality, deny the Senate an opportunity to act upon it and settle it upon the merits. That would be a monstrous proposition. The Senator from Virginia [Mr. MARTIN] says he wants this matter considered upon its merits, and yet he couples with that statement the proposition that he wants every Senator to have a right to raise the point of order, which would prevent such consideration.

I believe, sir, that if I were opposed to this amendment and a large number of Members of this body came in and said, "I want to discuss that question upon its merits," I would refrain from exercising the right to interpose an objection which would prevent consideration. I repeat, I would like very much to vote to reconsider in order that Senators may have a right to discuss the matter and propose amendments, because I do not claim that we have presented a perfect proposition. We have, however, presented the basis for legislation which the country demands. Maybe certain newspapers or other publications should be exempt from the provision proposed by the committee; maybe it ought to fail altogether; maybe the committee which has presented the matter is wrong. Consideration by the Senate would tend to determine that question. You may listen to some influences which speak through the press and believe that therein lies your duty; but you go out to the people and present the matter to them and say, "We propose to reduce your postage one-half, and in order to do this we are asking that the great publications of the country shall pay simply a moiety, an almost negligible part, of what they ought to pay for the service which the Government performs for them." Tell them that, as I have tried to tell them for years, and popular sentiment will be found to be different from what you think it is, because the proposal is just, and many newspapers and other publications admit it is so. There is not a Senator here who wants to do injustice to a single legitimate publication, but every Senator should insist, without fear or hope of reward, that at least approximate justice shall be done the people.

I am anxious to listen to the arguments of Senators in contradiction of the proposition which the Senate committee has proposed; and I am going to ask again, now, Mr. President, if it is in order, for unanimous consent that this matter may be reconsidered, the rule suspended, and this amendment taken up and considered on its merits.

Mr. KIRBY. Mr. President—

The VICE PRESIDENT. Is there any objection?

Mr. KIRBY. I object to a reconsideration by unanimous consent.

Mr. HUGHES. Mr. President, does the Senator understand that there is coupled with that a request for an agreement that the amendment shall be considered upon its merits?

Mr. KIRBY. As I understand, two Senators have indicated a disposition here, when this matter is reconsidered, to exercise their right and prerogative to object to it—to raise a point of order.

Mr. HUGHES. I do not want the Senator to misunderstand the unanimous-consent request. The unanimous-consent request couples with the proposal to reconsider the proposal that the propositions shall be considered on their merits.

Mr. TOWNSEND. And that the point of order shall not be made.

Mr. KIRBY. As I understand, nobody here can bind any Senator not to raise the point of order but the Senator himself.

Mr. HUGHES. By unanimous consent, I will say to the Senator—

The VICE PRESIDENT. Let the Chair state it. The Senator from Michigan [Mr. TOWNSEND] asks unanimous consent that the vote whereby the amendment was adopted be reconsidered, and that clause 3 of Rule XVI be suspended for the purposes of considering this amendment. Is there any objection?

Mr. MARTIN of Virginia. Mr. President, I object. I want to explain that I have not the slightest purpose in making the point or order myself, but I do not think the Senate ought to be put on terms in respect to this matter. If any Senator wants to make the point of order, I am not willing to enter into a unanimous-consent agreement which would prevent him from doing so.

Mr. TOWNSEND. Mr. President, what is a unanimous-consent agreement for the consideration of any bill but the Senate binding itself to refrain from objection? When we propose unanimous consent to take up any measure, what is it but the Senate putting itself "on terms" by agreeing that that matter may be considered without a point of order being made? That is all I ask here.

Mr. MARTIN of Virginia. Mr. President, there is no occasion for the Senator and myself to argue about what a unanimous-consent agreement is. Unanimous consent is asked, and I object.

Mr. TOWNSEND. That is all right. I do not like the excuse of the Senator.

Mr. President, that being true, every effort having been made to present this matter fully and fairly before the Senate, I submit that there is but one course for the Senators to pursue, and that is to vote against the motion to reconsider.

The VICE PRESIDENT. The yeas and nays have been ordered on the motion to reconsider. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Mr. President, for the reason that, considered in one way, I may possibly have a personal interest in this matter, I ask to be excused from voting.

The VICE PRESIDENT. Without objection, the Senator from West Virginia will be excused.

Mr. HARDING (when his name was called). I am prevented from voting because of the absence of my pair, the junior Senator from Alabama [Mr. UNDERWOOD]; but if he were present, I should ask to be excused from voting on this question because of personal interest in the matter.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I have been informed that that Senator, were he present, would vote "nay." Therefore I am at liberty to vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). My pair being absent, I withhold my vote.

Mr. STONE (when his name was called). I transfer the pair I have with the senior Senator from Wyoming [Mr. CLARK] to the senior Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). My colleague [Mr. THOMAS] is absent on account of official business. He is paired with the Senator from North Dakota [Mr. McCUMBER].

Mr. WALSH (when his name was called). I inquire whether the senior Senator from Rhode Island [Mr. LIPPETT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator. In his absence I withhold my vote.

The roll call was concluded.

Mr. VARDAMAN. I desire to inquire whether or not the junior Senator from Idaho [Mr. BRADY] has voted?

The VICE PRESIDENT. He has not.

Mr. VARDAMAN. I have a pair with that Senator. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from California [Mr. WORKS] and vote "yea."

Mr. RANDELL. I announce that my colleague [Mr. BROUSSARD] is absent on official business.

Mr. SMOOT. I desire to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is absent on official business.

Mr. SMITH of Maryland. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], which I transfer to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. McLEAN (after having voted in the affirmative). Has the senior Senator from Montana [Mr. MYERS] voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. Then I withdraw my vote, having a pair with that Senator.

The result was announced—yeas 39, nays 26, as follows:

YEAS—39.

Ashurst	Jones	Phelan	Smith, S. C.
Beckham	Kenyon	Poindexter	Smoot
Brandegee	Lane	Ransdell	Stone
Cummins	Lee, Md.	Reed	Swanson
Curtis	Lodge	Shafroth	Thompson
Fernald	Martin, Va.	Sheppard	Vardaman
Hitchcock	Martine, N. J.	Shields	Watson
Husting	O'Gorman	Simmons	Weeks
James	Oliver	Smith, Ga.	Williams
Johnson, S. Dak.	Overman	Smith, Md.	

NAYS—26.

Bankhead	Fletcher	Norris	Sherman
Borah	Hollis	Owen	Sterling
Bryan	Hughes	Page	Townsend
Catron	Kirby	Penrose	Wadsworth
Chamberlain	La Follette	Pittman	Warren
Clapp	McCumber	Pomerene	
du Pont	Nelson	Robinson	

NOT VOTING—31.

Brady	Gallinger	Lea, Tenn.	Smith, Mich.
Broussard	Goff	Lewis	Sutherland
Chilton	Gore	Lippitt	Thomas
Clark	Gronna	McLean	Tillman
Colt	Harding	Myers	Underwood
Culbertson	Hardwick	Newlands	Walsh
Dillingham	Johnson, Me.	Saulsbury	Works
Fall	Kern	Smith, Ariz.	

So the motion to reconsider was agreed to.

Mr. SMOOT. Mr. President, I now ask for a division of the two questions in the amendment now pending, the first vote to be taken upon the following part of the amendment:

*Provided, That on and after July 1, 1917, drop letters shall be mailed at a rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.*

Mr. BRYAN. Mr. President, I am in favor of the whole amendment, of all parts of it; but the situation is that the postal revenues can not stand 1-cent letter postage unless the loss can be recouped in some measure by an increase on second-class mail matter.

Mr. SMOOT. I will ask the Senator if the Postmaster General does not say that even though the increase on second-class mail matter is not agreed to, he still would recommend that 1-cent postage on drop letters be provided for.

Mr. BRYAN. It is true the Postmaster General wanted this, anyhow; but here is the reason the Postmaster General gives for it. He thinks that if this reduction comes on drop letters the people will begin to understand that they can get the reduced rate upon all letters if second-class mail matter can be made to pay its proportion. It is a question for Congress to decide whether it wants to force a deficit of \$20,000,000 or more. Assistant Postmaster General Koons, who, as everybody knows, is an expert in postal matters, says that the loss will be about \$26,000,000. Although every member of the committee voted in favor of the reduction on drop letters, the committee feel that it can not consent to do that and confront a deficit of fifteen to twenty million dollars.

If the Senator from Utah has the question divided and has a part of it adopted, it will be too late to raise the point of order, and then what happens? You have allowed the deficit to be created and you have prevented an opportunity to recoup any part of it. Of course, I can not agree, on the part of the committee, that the Smoot amendment shall be adopted until I know that the Senate will have a chance to vote on the other part of the amendment. It is an embarrassing position for the committee to be placed in, but that is the position we are in.

Mr. SMITH of Georgia. I wish to ask the Senator from Florida if he will be willing to accept as a substitute for the rate provided 1 cent a pound on second-class mail for a distance of 100 miles, 2 cents a pound for 300 miles, and an increase of a cent a pound upon each additional 200 miles, thereby placing upon it the cost it puts upon the Government? I will vote for substantially that proposition against newspapers, magazines, and everything else.

Mr. BRYAN. I think that would be too great an increase. It would be too much. Of course, I would be willing to say for the first 100 miles 1 cent a pound, then 1½ cents a pound, and then 2 cents a pound.

Mr. SMITH of Georgia. Then, would you be willing to have it 1 cent a pound for the first 100 miles and add half a cent a pound for the next 200 miles, and half a cent a pound for the next 200 miles, making your charge upon second-class postage based upon the cost it places on the Government? I think it should increase beyond 2 cents for the long hauls, which really places the great charge upon the Government.

Mr. WEEKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. BRYAN. I yield.

Mr. WEEKS. May I remind the Senator from Florida that a test was made of the probable loss on second-class mail the first week of last October, which indicated that by reducing the rate on drop letters 1 cent there would be a loss of \$26,000,000 in revenues? The department officials think that is a little higher than it would average all the year around; that it would probably be between \$20,000,000 and \$25,000,000 dollars in revenue.

One other point. Rather than to accept the amendment suggested by the Senator from Georgia, it does seem to me that rather than do an irrational and unwise thing it would be better to have this whole matter go over until to-morrow and have an amendment carefully considered rather than to take it up at this hour of the night.

Mr. BRYAN. Just a minute and then I will be through. Of course we have to take whatever we can get. I suggest for the first 100 miles 1 cent a pound and for the balance of the country 1½ cents a pound the first year and 2 cents the second year; but we will take whatever we can get.

Mr. STONE. I should like to ask the Senator from Florida a question for information. That part of the amendment on which the Senator from Utah asks a separate vote relates to first-class matter. As to that part of the amendment, what would be the loss in dollars if the rate should be reduced from 2 cents to 1 cent an ounce?

Mr. BRYAN. Twenty to twenty-six million dollars. The Senator from Missouri must see that—

Mr. STONE. I should like to know why we should do that in the present state of the finances.

Mr. BRYAN. Because the department feels that the country—

Mr. TOWNSEND. Mr. President, I would like very much to hear. On this side we can not hear a word. I wish we could have order so that we may hear the Senator from Florida.

Mr. BRYAN. I ask unanimous consent that this amendment be considered in order to be amended as the Senate sees fit.

Mr. HITCHCOCK. As the thing stands at present I shall object to that. If this matter can go over until to-morrow, some intelligent proposition may be presented to the Senate; but I shall object to-night to the consideration of any amendments that may be proposed.

Mr. BRYAN. Then I will move that the Senate take a recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 5899. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States; and

S. 8105. An act granting the consent of Congress to the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas.

The message also announced that the House had passed the bill (S. 6850) authorizing the transfer of certain retired Army officers to the active list, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime.

The message also announced that the House agrees to the amendments of the Senate to the concurrent resolution (H. Con. Res. 70) authorizing the printing of 5,000 copies of the digest

of contested-election cases in the House of Representatives from 1901 to 1917, and so forth.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL of Missouri, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House had passed a joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1361. An act for the relief of Thomas Smart;

S. 1378. An act to amend the military record of John P. Fitzgerald;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois;

H. R. 14471. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary";

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

#### PETITIONS AND MEMORIALS.

Mr. TOWNSEND. I present, and ask to have printed in the RECORD, a letter from a manufacturing firm in Detroit, Mich., in behalf of universal military training.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

THE TIMKEN-DETROIT AXLE CO.,  
Detroit, Mich., February 13, 1917.

HON. CHAS. A. TOWNSEND,  
United States Senate, Washington, D. C.

DEAR SIR: I telegraphed you to-day via day letter, prepaid, as follows:

"I would strongly urge the passage during the present session of Congress of a bill for universal military training. I believe a move of this kind is in the interests of adequate national preparedness and an insurance against war."

As a citizen of the United States, American born and of American descent, and consequently without the distracting influence of any part-foreign allegiance, I feel very strongly on this matter. I believe if this country had been adequately prepared for trouble by universal training that the present crisis which we are facing would not have appeared.

Germany has a very excellent spy system. The condition of this country has been reported, so I am informed, to the German military officials and like a great many other things they have done, they have taken it for granted that this country would be helpless and if they did get in trouble with them it would not amount to very much anyway.

Little Switzerland, right on Germany's border, is like a porcupine, full of spines, they don't want to bother her because, while Switzerland minds her own business, it wouldn't pay Germany to try and force her borders or violate her neutrality.

I believe that the Senate and Congress of the United States owe it to their people to take such steps as will put this country in position where European nations will consider that they could not afford to have trouble with this country and then we won't have it.

I have three boys, all of which would come under this new law, and they and their parents would be only too glad to see that such a law was passed for the insurance of our country's continuous existence and independence.

I trust, therefore, that you will do as you always have done, work on the right side and use your influence to help this country put itself in position where its position as an independent Nation will be respected, because people and nations who are not inclined to respect us would not dare to interfere.

Yours, very truly,

F. C. GILBERT.

Mr. McLEAN presented petitions of sundry citizens of New Haven and Manchester, in the State of Connecticut, praying that

the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Hartford, Meriden, Middletown, North Ashford, Norwalk, Norwich, Ridgefield, Stratford, and Westville, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. OLIVER presented petitions of the Congress of Women's Clubs of Western Pennsylvania, at a meeting held in Pittsburgh, and of the Chamber of Commerce, of Butler, in the State of Pennsylvania, praying for the use of all surplus funds from naturalization sources for the education of immigrants, which were ordered to lie on the table.

Mr. WATSON presented a memorial of sundry citizens of Richmond, Ind., remonstrating against the proposed tax on excess profits of corporations, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Chamber of Commerce of Santa Rosa, Cal., praying for the passage of the so-called Webb bill to promote export trade, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the discontinuance of the pneumatic-tube system by the Post Office Department, which was ordered to lie on the table.

#### ADAMS EXPRESS CO.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 6254) for the relief of the Adams Express Co., reported it with amendments and submitted a report (No. 1055) thereon.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 8257) granting an increase of pension to Delia J. McKeon (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 8258) granting an increase of pension to Henry Harrison (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8259) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; to the Committee on Banking and Currency.

By Mr. SHAFROTH:

A bill (S. 8260) to place Maj. Deane Monahan on the retired list of the Army with the rank of brigadier general; to the Committee on Military Affairs.

By Mr. BANKHEAD:

A bill (S. 8261) granting a pension to Mary Lee Jeter; and  
A bill (S. 8262) granting a pension to Sarah Clayton Jeter; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 8263) for the relief of the heirs of Henry Sturm, deceased; to the Committee on Claims.

A bill (S. 8264) granting an increase of pension to Edward G. Davis (with accompanying papers); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. OWEN submitted an amendment providing that any officer on the active list of the Army below the grade of brigadier general who has served with credit for over 45 years on the active list may, at the discretion of the President and with the consent of the Senate, be placed on the retired list, intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment providing that any officer on the active list of the Army below the grade of brigadier general who has served with credit for over 45 years on the active list may, at the discretion of the President and with the consent of the Senate, be placed on the retired list, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

#### WITHDRAWAL OF PAPERS—GEORGE F. BEMONT.

On motion of Mr. BRANDEGEE, it was

Ordered, That the papers accompanying the bill (S. 7622, 64th Cong., 2d sess.) granting a pension to George F. Bemont be withdrawn from the files of the Senate, no adverse report having been made thereon.

## THE FUNDAMENTAL LAW.

Mr. O'GORMAN. Mr. President, I have a copy of the third report of the committee upon the duty of courts to refuse to execute statutes in contravention of the fundamental law, presented at the fortieth annual meeting of the New York State Bar Association held at Brooklyn, N. Y., on the 12th and 13th of January, 1917. I ask that the paper be referred to the Committee on Printing, with a view to its being printed as a public document.

The VICE PRESIDENT. The paper will be referred to the Committee on Printing.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 14, 1917, approved and signed the following acts:

S. 3681. An act for the relief of the owners of the steamship *Esparta*;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States;

S. 7779. An act to authorize the change of name of the steamer *Frank H. Peavey* to *William A. Reiss*;

S. 7780. An act to authorize the change of name of the steamer *Frank T. Heffelfinger* to *Clemens A. Reiss*;

S. 7781. An act to authorize the change of name of the steamer *George W. Peavey* to *Richard J. Reiss*;

S. 7782. An act to authorize the change of name of the steamer *Frederick B. Wells* to *Otto M. Reiss*; and

S. 7963. An act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes.

## MEMORIAL ADDRESSES.

Mr. ROBINSON. Mr. President, some days ago the Senator from Indiana [Mr. KERN] gave notice that on Saturday, the 17th day of February, 1917, immediately after the routine morning business, he would ask the Senate to consider resolutions in commemoration of the life, character, and public services of the late Senator BENJAMIN F. SHIVELY, of Indiana; the late Senator EDWIN C. BURLEIGH, of Maine; and of the late Senator JAMES P. CLARKE, of Arkansas. A conference has been held by Senators from the States of Indiana, Maine, and Arkansas, and, at the suggestion of the Senator from Indiana [Mr. KERN] and other Senators, and for the convenience of Senators I submit a request for unanimous consent, as follows:

That the Senate convene on Sunday, February 18, 1917, at 11 o'clock a. m., to consider resolutions in commemoration of the life, character, and public services of the late Senator BENJAMIN F. SHIVELY, of Indiana; the late Senator EDWIN C. BURLEIGH, of Maine; and the late Senator JAMES P. CLARKE, of Arkansas.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Is there objection to the unanimous-consent agreement? The Chair hears none, and it is so ordered.

## RECESS.

Mr. BRYAN. I move that the Senate take a recess until 10.30 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m., Thursday, February 15, 1917), the Senate took a recess until to-morrow, Friday, February 16, 1917, at 10.30 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 15, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God our Heavenly Father, with profound gratitude for all the blessings Thou hast bestowed upon us as individuals and as a Nation in the past, and with a firm reliance upon Thee to uphold, sustain, and guide us in the future, we would take up the burdens of life anew and under Thee go forward to greater achievements. Hear us and thus bless us through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## RAILWAYS AND THEIR EMPLOYEES.

Mr. LENROOT. Mr. Speaker, on yesterday I introduced a bill (H. R. 20907) to amend an act providing mediation, conciliation, and so forth, approved July 15, 1913, which was referred to the Committee on the Judiciary. The subject matter of this bill relates to controversies between railways and their employees. All legislation on this subject having been referred

to the Committee on Interstate and Foreign Commerce, and that committee having reported a bill on the same, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of that bill and that it be referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill and that it be referred to the Committee on Interstate and Foreign Commerce. Is there objection?

There was no objection.

## PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Ohio asks to take from the Speaker's table a bill which the Clerk will report by title, and disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL of Missouri, and Mr. LANGLEY.

## AMENDMENT TO THE CONSTITUTION (H. REPT. NO. 1493, PT. 2).

Mr. GARD. Mr. Speaker, I ask leave to file the views of the minority in connection with the report of the Committee on the Judiciary on the joint resolution (H. J. Res. 84) proposing an amendment to the Constitution of the United States.

The SPEAKER. The gentleman from Ohio asks leave to file the views of the minority on a joint resolution, which the Clerk will report by title.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

There was no objection.

## REFUND OF CERTAIN DUTIES.

The SPEAKER. The unfinished business is House joint resolution 335—

Mr. CAPSTICK. Mr. Speaker, I ask unanimous consent that the bill H. R. 9288 be taken from the Speaker's table and that the Senate amendment be agreed to by the House.

The SPEAKER. The Chair will recognize the gentleman when we get through with the unfinished business.

Mr. MANN. This takes precedence over the unfinished business.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table the bill H. R. 9288, which the Clerk will report by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment, as follows:

In line 7 strike out the words "and interest."

Mr. CAPSTICK. I move to concur in the Senate amendment. The Senate amendment was concurred in.

On motion of Mr. CAPSTICK, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

## MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The SPEAKER. The Clerk will report the title of the joint resolution, which is the unfinished business.

The Clerk read the title of the joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Mr. KITCHIN. Mr. Speaker, on yesterday in an amendment to this joint resolution appears the name George W. Black as a substitute for Guy T. HELVERING. That was a mistake. It should have been George Black. There is no "W" in his name, and I ask unanimous consent that that change be made, striking out the surplusage.

Mr. MANN. The amendment is still pending.

The SPEAKER. The gentleman from North Carolina asks to strike out the middle initial "W," leaving the name George Black. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to substitute in the desk copy of the joint resolution, in line 10, the name of Thomas S. Bridgham.

Mr. MANN. Mr. Speaker, the amendment that the gentleman from Kansas [Mr. ANTHONY] was offering is what the gentleman from North Carolina refers to. It was amended by substituting the name of George Black in place of Mr. Findlay. His amendment further provided for substituting the name of John W. West in line 10 for Thomas S. Bridgham. Now the gentleman asks unanimous consent that that part of the amendment be withdrawn.

Mr. KITCHIN. Will that make it Thomas S. Bridgham instead of John W. West? I do not recall exactly—

Mr. MANN. A part of the amendment of the gentleman from Kansas [Mr. ANTHONY] was to strike out the name of Thomas S. Bridgham in line 10 and to insert the name of John W. West. That part of the amendment is withdrawn, which leaves it Thomas S. Bridgham.

Mr. ANTHONY. That is what should be done. It was an error.

The SPEAKER. Without objection, it will be so ordered. The question is on the remaining amendment as amended.

The amendment as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution as amended.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SHALLENBERGER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### BRIDGE ACROSS THE ARKANSAS RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, I ask to have laid before the House the bill (S. 8105) granting the consent of Congress to the Conway County Bridge District to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas, a similar bill being on the House Calendar.

The SPEAKER laid before the House the bill S. 8105.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Conway County Bridge District, a corporation organized under the laws of the State of Arkansas, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River at a point suitable to the interests of navigation at or between fractional southwest section 29, township 6 north, range 16 west of the fifth principal meridian, and fractional northeast section 31, township 6 north, range 16 west of the fifth principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 20535) was laid on the table.

#### PENALTY FOR FALSE REPRESENTATIONS IN RELATION TO PUBLIC LANDS.

Mr. RAKER. Mr. Speaker, I ask that the Speaker lay before the House the bill S. 5899, a similar bill being on the House Calendar.

The SPEAKER laid before the House the bill (S. 5899) to punish persons who make false representations to settlers and others pertaining to the public lands of the United States.

The SPEAKER. The Chair will request that when gentlemen have matters to be disposed of in a summary way they notify the Clerk in advance because of the great number of matters on the Speaker's table. The Clerk will read the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That any person who, for a reward paid or promised to him in that behalf, shall undertake to locate for an intending purchaser, settler, or entryman any public lands of the United States subject to disposition under the public-land laws, and who shall willfully, and falsely represent to such intending purchaser, settler, or entryman that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, with intent to deceive the person to whom such representation is made, or who, in reckless disregard of the truth, shall falsely represent to any such person that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, thereby deceiving the person to whom such representation is made, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding \$300 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the motion whereby the bill was passed was laid on the table.

A similar House bill, H. R. 15523, was laid on the table.

#### SALE OF FEDERAL BUILDING SITE, HONOLULU, HAWAII.

Mr. BURNETT. Mr. Speaker, I ask that the Speaker lay before the House the bill (S. 7872) for the ratification of the sale of a Federal building site in Hawaii, there being a similar bill on the calendar. There is one small amendment that I want to offer.

The SPEAKER laid before the House the bill (S. 7872) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the sale of the Federal building site at Honolulu, in the Territory of Hawaii, made under the provisions of the act of March 3, 1915 (38 Stat., p. 892), to Castle & Cooke (Ltd.), a corporation, be, and the same is hereby, ratified and confirmed; and the Secretary of the Treasury is hereby authorized to convey said property, by usual quitclaim deed, to said Castle & Cooke (Ltd.), a corporation, the highest bidder for and purchaser of said property at said sale.

Mr. BURNETT. Mr. Speaker, before and after the word "Limited," in lines 7 and 10, there is a parenthesis. It should be "Castle & Cooke, Limited," without the parentheses, and I move to strike out the parentheses.

Mr. GARNER. Mr. Speaker, is not this bill on the Union Calendar?

The SPEAKER. It is on the Union Calendar.

Mr. BURNETT. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole. There can be no objection to it.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

Amend, in lines 7 and 10, by striking out the parentheses.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BURNETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 19686) was laid on the table.

#### CHANGE OF REFERENCE.

Mr. SEARS. Mr. Speaker, the bill H. R. 20040 was referred to the Committee on Arid Lands. The chairman of the committee thinks that the bill should go to the Committee on Public Lands, and I ask that the reference be changed.

The SPEAKER. What is it about?

Mr. SEARS. It is allowing a right of way across public lands for the purpose of digging canals for drainage.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

Mr. SEARS. Mr. Speaker, I ask that the letter of the Department of the Interior on this bill be printed as a House document. It is a very important matter to the people of my State.

The SPEAKER. The gentleman from Florida asks unanimous consent that the letter of the Department of the Interior on this subject be printed as a House document. Is there objection?

There was no objection.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment; and

S. 5672. An act for the relief of sundry building and loan associations.

#### PRINTING DIGEST OF CONTESTED-ELECTION CASES (H. DOC. NO. 2052).

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House concurrent resolution No. 70 providing for the printing of a digest of contested-election cases and concur in the Senate amendments thereto.

The SPEAKER laid before the House concurrent resolution No. 70.

The Senate amendments were read.

The Senate amendments were agreed to.

#### THE EUROPEAN WAR.

The SPEAKER. Under the order of the House, the gentleman from Massachusetts is entitled to 20 minutes to address the House.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to proceed for half an hour, if necessary. I do that because I anticipate the possibility of interruptions.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for half an hour. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Speaker, on Tuesday, February 13, 1917, the gentleman from Pennsylvania [Mr. Moore] made a speech in which he intimated that a newspaper conspiracy exists, organized for the purpose of misleading the people of the United States as to our international relations and as to the cause of the European war. What his evidence may be I do not know, but undoubtedly he will present it at the investigation which he tells us he will demand. I doubt whether the people of this country are of the opinion that the German side of the war has been insufficiently and unfairly presented in the press of the country. Personally I believe that Germany has had a fairer show than Great Britain. I do not say that the German side of the question has had in our press a fairer presentation than that of the allies, but I think that Germany herself has had a fairer show than Great Britain. Prof. Henry Van Dyke has been our minister at The Hague all through the war until recently, when he returned home to the United States. Prof. Van Dyke did not derive his knowledge of the course of the European war from American newspapers. He formed his opinions on the spot, almost within sound of the guns. Yet he has written the fiercest indictment of Germany which I have seen in the public press. But, Mr. Speaker, the American people are not going to base their opinions of the European war on the biased statement of either side. That is not our way. There are certain facts which stand out so clearly that no man can dispute them, and on those facts the American people will make up their minds and on them history will base its verdict.

There are certain things which each one of us knows. We know that when the war broke out Germany was ready to the last buckle both on land and at sea. We know that France and Russia were only half ready, and in the matter of ammunition entirely unready for war. We know that Great Britain had practically no army and even less equipment, but that she was admirably prepared at sea, as she always has been for the last 100 years, and as an island empire she must be if she wishes to make sure of her food supply. We know that Germany's original White Book attributed the outbreak of the war to Russia and that only subsequently did she accuse Great Britain. These facts, at all events, we have to guide us in our search for the nation guilty of instigating the war.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield for a matter of information?

Mr. GARDNER. Yes.

Mr. COOPER of Wisconsin. The gentleman has just stated the facts were indisputable that Germany was overwhelmingly prepared for war, and that the allies were insufficiently unprepared. Will the gentleman please tell us how it could be that a nation so overwhelmingly prepared was defeated at the battle of the Marne and driven back a long number of miles by a nation wholly unprepared?

Mr. GARDNER. I said that France was half prepared. According to Belloc, the reason why Germany was defeated in the battle of the Marne was this: In order to meet a movement of the Sixth French Army around their right flank the Germans weakened their center and the French under Gen. Foch broke through. The battle was won because of the worst military mistake which German strategy has made since before the days of Frederick the Great.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman—

Mr. GARDNER. Oh, if the gentleman will please not make me show my ignorance in a military discussion. These facts, at all events, we have to guide us in forming our judgment as to which nation was responsible for the outbreak of the war. Whichever nation was responsible, it has probably brought more misery upon the human race than has been caused by all the European wars for the last 300 years put together. Such is the heavy burden of responsibility which must be borne by some one, and Americans who have read the evidence know well who ought to bear it.

We know that Germany intentionally violated the treaty by which Belgium's neutrality was guaranteed. We know that fact by her own statement. We know that Germany treated Belgium, and continues to treat Belgium, with unheard-of barbarity—"frightfulness," as it is called in the German war vocabulary. We know that Germany has repeatedly torpedoed and shelled defenseless noncombatants, while Great Britain has been seriously accused of only one act of ruthlessness at sea—the Baralong murder, as the Germans call it. I am obliged to admit that I have not been altogether satisfied with Great Britain's defense in the case of the Baralong.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. CALDWELL. I just wish to ask the gentleman about Great Britain's treatment of Greece.

Mr. GARDNER. The allies were invited into Greece by Venizelos, who was then prime minister. They have murdered no women and children in Greece. The sympathies of the Greek people are overwhelmingly with the allies. I have many Greeks in my district, and I have yet to hear of one of them who takes the part of Germany and the central European powers. There is not a Greek in the United States who fails to know that the only reason why Greece, under Venizelos, did not join the allies was because it was forcibly restrained from so doing by King Constantine, the brother-in-law of the Kaiser.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. KAHN. I received a telegram signed by a great many Greeks in my city protesting the interference of the allies with the people of Greece, so that there are some Greeks here—

Mr. GARDNER. Oh, I know those telegrams can be gotten up anywhere, but I can testify, and so can the gentleman, if he knows anything about their rank and file, that Greeks in America side with the allies.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield for one more question?

Mr. GARDNER. I prefer to go ahead at present.

We know that in this war both sides have resorted to the use of poisonous gases and the bombing of cities from aircraft, practices which seem to us indefensible. In each instance we know that the allies followed Germany's example. We know that Germany has torn from their homes in Belgium and in northern France peaceful citizens, and has subjected them to a new form of slavery, against which the civilized world protests. All those things we know, whether our news is drawn from pro-alley newspapers, like the New York Herald and the New York Sun, or from pro-German newspapers, like the New York American and the New York Evening Mail. Furthermore, we know that on February 10, 1915, President Wilson warned Germany that we should hold that nation to "strict accountability" if in her submarine warfare she destroyed American lives or American ships. We know that on May 7, 1915, a German submarine torpedoed the *Lusitania* and that more than 100 American lives were destroyed. We know that for almost a year subsequent to the destruction of the *Lusitania* communications were exchanged between our Government and the German Government, and that meanwhile Germany continued to maintain and to some extent, at least, to practice her asserted right to torpedo merchantmen without warning. We know that after the *Sussex* was torpedoed President Wilson on April 18, 1916, informed Germany that we should break off relations with her unless assurances were given us that no more vessels would be torpedoed without warning. We know that Germany gave President Wilson the required promise, but reserved the right to recall this pledge. We know that except in a few debatable instances Germany substantially kept her promise, so far as American interests were concerned, until January 31, 1917, when she withdrew her restrictions on submarine warfare. Thereupon President Wilson broke off all relations with Germany on February 3, 1917, and informed the world that if the German threats were fulfilled he should come before Congress and ask us to authorize the use of the armed forces of the United States to protect our people in their rights. There the situation rests, but there it can not continue to rest, for it has speedily become apparent that American merchant ships are unwilling to face the terror of German submarine warfare unless they are furnished with some means of defense. I for one believe that it is the duty of our Government to see that our merchantmen are armed to defend themselves or are convoyed through the danger zone.

Mr. CALDWELL. Will the gentleman yield? We gave the gentleman 30 minutes.

Mr. GARDNER. All right.

Mr. CALDWELL. The gentleman just expressed his opinion of what the United States ought to do with reference to protecting its commerce?

Mr. GARDNER. Yes.

Mr. CALDWELL. Now, I would like to know of the gentleman if he will maintain that position if the President actually does it?

Mr. GARDNER. Of course I shall.

Mr. CALDWELL. All right.

Mr. FESS. Will the gentleman yield before he goes further? Mr. GARDNER. I yield to the gentleman from Ohio.

Mr. FESS. I am personally anxious to know whether in our reading the news—we are reading dispatches that are not censored—we are justified in believing that the facts are as we

read them in the press? In other words, getting to Mr. MOORE'S charge as to the accuracy of these press dispatches we read.

Mr. GARDNER. Of course, I can not know; but before I go on with my speech I am going to read Henry Van Dyke's poem addressed to Germany, which was published a day or two ago. Henry Van Dyke, our minister to Holland all through this war, can not have been misled by censored news. Here is his poem:

MARE LIBERUM.

[By Henry Van Dyke.]

You dare to say with perjured lips:  
"We fight to make the ocean free"—  
You whose black trail of butchered ships  
Bestrews the bed of every sea  
Where German submarines have wrought  
Their horrors! Have you never thought  
What you call freedom men call piracy?

Unnumbered ghosts that haunt the wave  
Where you have murdered cry you down,  
And seamen whom you would not save  
Weave now in weed-grown depths a crown  
Of shame for your imperious head,  
A dark memorial of the dead  
Women and children whom you left to drown.

Nay, not till thieves are set to guard  
The gold, and corsairs called to keep  
O'er peaceful commerce watch and ward,  
And wolves to herd the helpless sheep,  
Shall men and women look to thee,  
Thou ruthless Old Man of the Sea,  
To safeguard law and freedom on the deep!

In nobler breeds we put our trust:  
The nations in whose sacred lore  
The "ought" stands out above the "must,"  
And honor rules in peace and war,  
With these we hold in soul and heart,  
With these we choose our lot and part  
Till liberty is safe on sea and shore.

Mr. FESS. Will the gentleman yield?

Mr. GARDNER. I will ask the gentleman please to let me continue. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. FESS. Is Dr. Van Dyke's poem an answer to my question? [Applause.]

Mr. GARDNER. Absolutely. That shows that men on the spot form the same opinion of Germany which we form here.

Mr. DAVIS of Texas. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. I will yield for one "Amen!"

Mr. DAVIS of Texas. There is a—

Mr. GARDNER. But not for a stump speech.

Mr. DAVIS of Texas. There is a serious question in my mind which I would like the gentleman to explain. He has asserted the right of trade to-day with the nations with whom we have the right to do business—

Mr. GARDNER. How does the gentleman know I have?

Mr. DAVIS of Texas. The gentleman said he was willing to convoy and defend that trade.

Mr. GARDNER. Yes; because we warned Germany that we should hold her to "strict accountability."

Mr. DAVIS of Texas. The question I want to ask is this: Up until the last few weeks, for the past two years have not we had a perfect national and international right to trade with Germany as a free Government and we a neutral?

Mr. GARDNER. I do not know; but if we break off relations—

Mr. DAVIS of Texas rose.

Mr. GARDNER. No; the gentleman must allow me to answer. If we break off relations with Great Britain on the ground that she has interfered with that right, you will not hear me on the floor of this House making speeches designed to help a nation with which we have broken off all relations.

Mr. DAVIS of Texas. The point with me is not a hypothetical case. It is an actual condition.

Mr. GARDNER. Meanwhile, Mr. Speaker, William Jennings Bryan proposes that we should prepare ourselves to present a united front to the enemy by first tearing the Nation asunder in a political campaign on the question of peace or war. He and his followers, the pacifists, the extreme socialists, and those who place loyalty to Germany above loyalty to America, are engaged in appealing to the cowardice which lurks in every man's breast.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. GARDNER. I can not.

Mr. SHALLENBERGER. You just attacked a very distinguished gentleman.

Mr. GARDNER. The gentleman will please protect his distinguished statesman in his own time.

Cowardice is the consequence of the instinct of self-preservation, the strongest of human instincts. The extent to which a man can overcome the instinct of self-preservation is the measure of his manhood. They are trying—

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. GARDNER. I decline to yield.

Mr. SHALLENBERGER. Will the gentleman answer or not whether he voted for the naval bill?

Mr. GARDNER. Mr. Speaker, I ask to have my time protected.

The SPEAKER. The gentleman has notified everybody that he does not want to be disturbed while delivering his speech. The Chair will keep everybody off that he can.

Mr. GARDNER. This cowardice Mr. Bryan and his followers glorify by calling it "good will toward men," and timidity they have rechristened "service to humanity." They are trying to goad the people into a campaign in which class will be arrayed against class and race will be arrayed against race. Smooth-tongued speakers are to be employed and trenchant pens are to be made sharper. Perchance foreign gold may be spent; who knows? Then, when the Nation is successfully split into two halves, animated by hatred of each other, rather than by a joint hatred of the foreign foe; when our courage is at the lowest ebb; when our righteous indignation has been sufficiently aspersed; then we are to vote upon the question of peace or war. If the vote be for peace, we are to submit to any indignities rather than strike back. If the vote be war, as a Nation divided against itself we are to go forth to battle.

The President of the United States, our captain, even now should be nerving us for the struggle. By every means in his power he should frown down this campaign of William Jennings Bryan, who is whispering to the rank and file that death awaits them at every turn; that the cause for which they are enlisted is unjust; that peace and plenty are pleasant things, while the snows of Valley Forge are bitter cold and the rapid fire of machine guns is dangerous. Oh, the instinct of self-preservation is strong in men. Doubtless the Bryans of those days were whispering trembling words to the Minute Men of Lexington. In those days gentlemen were crying, "Peace! peace!" just as they are crying, "Peace! peace!" to-day. They were crying, "Mediate!" and "Arbitrate!" but the patriots fought on instead of parleying, and we gained our liberties.

The pacifists and the copperheads of the Civil War declared for arbitration and mediation and said that the war was a failure and that a convention ought to be called to put an end to the horrible strife and that the question of slavery should be left for future adjustment. But Abraham Lincoln said "No; we have put our hand to the plow and we shall not turn back." We did not arbitrate and we did not mediate. We fought the Civil War to a conclusion. We put an end to slavery, and who is there to-day, North or South, who does not rejoice that we turned a deaf ear to the pacifists of 1864?

It may be that the day shall come when mankind will beat its broad falchions into plowshares. It may be that internationalism will solve the awful problem of war; but I shall not believe in internationalism and I shall not believe in the brotherhood of man as a practical, statesmanlike rule for world government until I find Californians who are willing that their daughters should be married to Chinamen or until I find some Mississippian who is willing that his sister should marry a negro. When those far-off days are here, then I shall know that we have reached the era of the brotherhood of man.

Meanwhile I am an American. I want no internationalism. I want no conglomerate flag of all the nations, with a yellow streak down the middle. I know what the Star-Spangled Banner stands for. I know what it has stood for in history. When I behold it my ears seem to hear the shrill music of Lexington's fifes and the grim rattle of the drums at Concord. There is an echo which reverberates in my head. It is the thunder of Perry's cannon on Lake Erie. I see the sharp escarpment of Missionary Ridge. I see the charge of Pickett at Gettysburg, and I see the stubborn Union battle line whose heroic valor checked that heroic assault. I hear the deep bass of Dewey's guns at Manila, and I hear the sharp rattle of musketry in Cuba. I know what that banner stands for in peace, how it stands for liberty and honesty and courage and for the rights of man; how it stands for the homely virtues of the family and for the friendships which gather around the fireside.

May the God of our fathers ever protect and defend that flag. May it rise triumphant. May it ever be unfolded to the music of the trumpet which shall never sound "retreat," and may it wave forever. [Loud applause.]

Mr. CALDWELL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CALDWELL. To ask unanimous consent that the gentleman's time be extended two minutes so that he can answer a question.

The SPEAKER. Does the gentleman from Massachusetts want to answer?

Mr. GARDNER. Yes.

The SPEAKER. The gentleman from New York [Mr. CALDWELL] asks unanimous consent that the gentleman's time be extended a minute to answer a question. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The gentleman from Pennsylvania [Mr. MOORE] is recognized for 20 minutes. [Loud applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend and revise my remarks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish the newspapers of this country which are now declaring war against a foreign country and endeavoring to involve a hundred millions of American citizens in a strife which is not their business would take note of the fact that the American Congress to-day, by this expression of applause, indicates that it is prepared to be a deliberative body under the Constitution and proposes to exercise its rights. [Applause.] I wish the great editorial writers, whether subsidized or not, would take note of the fact that there is a revival of the independent spirit of Americanism in this old House of Representatives that proposes to stand its ground against any stampeding, whether it be inspired by British gold or German lucre. [Applause.]

Why, I am surprised at the pacific tone of the distinguished gentleman from Massachusetts [Mr. GARDNER] this morning. I had expected he would be prepared to declare martial law in the United States, and that under the lead of that eloquent editorial writer, Col. George Harvey, who spoke to us in Washington last night, and pictured the glory of war in Europe, we would hear the "tramp, tramp, tramp" of the American boys coming up from the farms and firesides prepared for the terrible onslaught. I thought we might hear the salvos of applause that would come from the boys in the trenches in France crying "Vive l'Amerique," and from the boys of Great Britain as they exclaimed, "Here come the boys of the United States to share our burdens with us." [Applause.]

But the gentleman from Massachusetts is pacific this morning. The only warlike note that he sounds to-day is the piece of verse that he brings us from Henry Van Dyke, who evidently is as strong a champion of war as the novelist, Owen Wister, who paid an unusual tribute in verse to the President of the United States some time ago; so that all we have before us this morning in addition to the usual "declaration of war" in the newspaper headlines is the poetic recital of the gentleman from Massachusetts and the report of the American Rights League.

Ah, my friend from Massachusetts and my friend Col. Harvey, who spoke last night of the beauties of the war in Europe, let me suggest that the recruiting offices are open and that the ships are carrying munitions back and forth under the protection of British guns, and that every American boy who wants to enlist in the war in Europe is free to go and will be received with open arms on the other side. [Applause.]

Mr. EAGLE. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. No; I can not yield. But are those who are declaring war, the signers of the Declaration of the American Rights League, including the Washington minister of the gospel who declares that Christ came upon earth not so much to save men as to punish nations—are those signers of the Declaration of the American Rights League and the numerous other editorial belligerents in America resigning their positions and enlisting in this war in Europe to save civilization?

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Alabama?

Mr. MOORE of Pennsylvania. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. MOORE of Pennsylvania. There are many men fighting this foreign battle in the United States who are not prepared to come up to the captain's office and sign up for this war they are agitating, particularly in that aggressive fraternity whose editorials just now are calling upon other men to make the sacrifice. If they were sincere, those who are calling upon the youth of America, the recruiting offices of the Nation would not now be so devoid of volunteers as they are. [Applause.]

Mr. Speaker, I can speak a little for the common people of the United States this morning. I have been hearing from them in

thunderous tones during the last three or four days; the mere reference to the fact that there is a Liberty Bell still existing in the United States, and that the old Hall where American independence was proclaimed and where the Constitution was given to the people still stands, has resounded throughout the country. The responses coming in from every State of the Union are expressive of the American heart upon this question of foreign alliances—with almost a unanimous voice they are sounding praises to almighty God that some men remain in the Congress of the United States who adhere to American principles. [Applause.]

The gentleman from Massachusetts [Mr. GARDNER] has not been personal in his references, and I am glad he has not, because I would not want to be personal in kind. The gentleman seems to think—in fact, he stated—that my remarks on Tuesday were an indictment of the newspaper press of the United States for publishing false reports that tended to inflame the people and encourage them in the belief that it is their duty to civilization to pull one of the belligerents out of the stress in which it finds itself. I did not make the direct charge.

I stood upon this floor and quoted the gentleman from Texas [Mr. CALLAWAY], and I read his speech into the RECORD, which speech charged that the J. P. Morgan interests had arranged with 12 great newspaper men with a view of influencing other newspapers, and that those newspapers—25 of the greatest of them—were being paid for the service they are rendering in the promotion of the war spirit, and in the teaching of a false patriotism in the United States, misleading the people into the belief that this war in Europe is an American war. It was the gentleman from Texas [Mr. CALLAWAY] who made that charge. He put it in the CONGRESSIONAL RECORD. And so far as I know not one newspaper in the United States published that remarkable statement; and it was not published at all until I made reference to it on the floor of the House and invited some one of the majority to introduce a resolution to investigate it. I repeat now that challenge to the majority of this House, a challenge to introduce a resolution to inquire whether or not newspapers are actually subsidized as charged, because it is due to honest journalism in the United States that the real facts with regard to this monstrous proposition be known to the taxpayers of this land, whose blood must be let and whose burdens must be tremendously increased if we are to be driven into this fierce controversy across the seas. I will leave that challenge stand for the day. If no one of the majority will introduce that resolution, I shall expect to introduce it myself, in fairness to those men in this country who are writing newspaper articles and publishing newspapers, who want to be free from suspicion that they are under the Morgan influence or that they are dominated by Lord Northcliffe or the moneybags of London or Berlin. [Applause.]

The gentleman from Massachusetts [Mr. GARDNER] deals, as I expected he would, with the horrors of war. I give him credit for gallant service in the Spanish-American War, in which he made an honorable record. The gentleman has not seen all the horrors of war; he was not old enough to observe its ill effects in the United States when we had our difficulty more than 50 years ago; but the gentleman has spoken of the horrors of war, and he has dwelt, as these great editors do, upon the bombs flying in the air destroying children and the submarines coming up from the bowels of the sea destroying ships that are carrying munitions to keep the war in Europe going. He pictures all this, but the gentleman from Massachusetts [Mr. GARDNER] does not tell the whole story; his view is restricted somewhat by the influence upon his poetic mind of the verses of the former minister to The Hague.

Did the gentleman from Massachusetts look away down at the bottom of the page of the Washington Post this morning and read this simple announcement—

Holland buys tanks.

And did he read, coming from The Hague, this simple, special cable dispatch, almost buried where it could not be found in the newspaper:

Holland continues to improve and modernize her defenses. Among other ultra-modern war machines which will soon be received here are several tanks. Two frameworks for these machines have just arrived from America.

So we are making war tanks for Holland!

The Army construction work will equip them with armor.

Holland, a neutral country in this war, is preparing to use tanks. Now what are tanks? They are the invention of some American, I understand, and they have already been successfully employed by the British in the trenches in dealing with the Germans. Here in this paper is the picture of a tank, an instrument of terror rolling ruthlessly over the trenches in which the German soldiers are. No notice, no warning. Buried

alive! Crushed in the earth by these amiable instruments of warfare that are manufactured in the United States and are being used by Great Britain to win its victories. If submarines are ruthless, and maybe they are, what are these tanks?

The very paper which publishes the picture of one of these tanks relates how these men cry out in despair, the fathers of children, the husbands of wives made widows; crushed and covered into the very bowels of the earth without warning, just as is charged against the submarine or the aeroplane. Buried in the dead of night without warning. But that is war; it is what is to be expected if we plunge into the kind of war that the gentleman from Massachusetts has been preaching in this House, and that the great editors of this country are urging the President to declare.

The paper from which I quote is opposed to Germany. I have nothing to do with that. I am only pointing out that if the sinking of the *Lusitania* was inhuman, there are other inhuman methods of warfare to which civilized nations apply themselves.

Here is an article from the same paper entitled—  
"German brutality on raids by U-boats."

Mr. Noyes, the great English writer, tells us all about it; it is copyrighted for the papers that are to use it in the United States. Then comes the picture on the same page of the apparently praiseworthy and effective work that is being done by the English tanks rolling over the men sleeping in the trenches. The headlines tell us that—

Tanks, airplanes, and guns, not men, will win the war. Land ironclads of huge power foreseen which will make present tractors but toys, and will destroy the country over which they pass. Modern war made so terrible by new monsters of destruction that the prospect of an organized world-controlled hostilities is forecast.

Surely this new method of warfare does not have the sanction of international law.

But the story comes from H. G. Wells, one of the novelists of England, who pictures the terrible execution of these new instruments of war that England is said to employ.

Mr. BRITTEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield. The gentleman from Massachusetts, in order to get his facts right, ought not to be pro ally nor pro-German, but a fair, square-deal American. [Applause.] Did he take up the Washington Times of last night? If he did and looked closely into the "afternoon edition," he found, way down at the bottom of the page, so far down that he could scarcely see it—the woman's referendum question takes up most of the column—but way down at the bottom, in an eight-line paragraph, he would find an announcement. Bearing in mind that Germany is the fierce "barbaric power" that is "ruthlessly destroying" little children in their sleep, he should have read this brief article. Here it is. How it got by, the Lord only knows, but here it is at the bottom of the page:

FLYERS KILL 16 TOTS.

BERLIN (via Sayville wireless), February 14.

Funeral services for 16 children killed by English flyers on February 10 were held in the Church of Our Lady, at Brugge, on Sunday, the press bureau announced to-day. The children were skating when the flyers dropped bombs.

It is not one side alone that plays this war game. All countries involved are playing it, and playing it to the limit, and those that may be getting the worst of it at times send out the Macedonian cry to the Government of the United States, now at peace with the world, "to come over and help us." But let us see about this "barbaric" warfare, this killing of these "16 little tots" skating on the ice.

Did this news get very far? If you obtained a copy of the last edition of the Evening Times and examined it from the front to the last column, you would find that even these eight lines had gone out. I do not find fault with the Times. It is doing the best it can, it is a good paper, but somebody slipped a cog, and that item which got into the afternoon edition, telling you how English bombs were dropped on children skating on the ice, was removed from view when the final edition was issued. [Applause.]

Mr. SPEAKER. The time of the gentleman from Pennsylvania has expired.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways, and constraining the act to regulate commerce with reference thereto; and

H. R. 10697. An act for the relief of S. Spencer Carr.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8003. An act authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county; to the Committee on Interstate and Foreign Commerce.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill (H. R. 18453), disagree to the Senate amendments, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses with the exception of amendments numbered 48 and 111.

Mr. SHALLENBERGER rose.

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for two minutes. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman can get in like some of the rest of us on the general debate on the Army appropriation bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. STEPHENS of Texas. Mr. Speaker, I renew my request, and I ask unanimous consent that the statement be read in lieu of the report.

Mr. MANN. Mr. Speaker, there is no conference report to read. The gentleman does not require unanimous consent.

Mr. STEPHENS of Texas. The Senate disagreed to the conference report.

Mr. MANN. And that wipes it out.

Mr. STEPHENS of Texas. But I will say that the conferees agreed on all of the articles except four.

Mr. MANN. That may be true, but the conference report has been rejected, and we have been notified to that effect, and that ends it. The Senate has sent a message to the House, which is irregular and unparliamentary, which they probably do not know, stating that they have rejected the conference report, and insist upon four Senate amendments, but what they have done as far as the parliamentary situation is concerned is to insist on all of the Senate amendments. The gentleman should now move, not to ask unanimous consent, to take the bill from the Speaker's table, with Senate amendments thereto, and to further insist upon the disagreement of the House to all of the Senate amendments with the exception of the two which he desires to concur in with amendment.

Mr. STEPHENS of Texas. Mr. Speaker, that is correct. I move to take the House bill from the Speaker's table, with Senate amendments thereto, and to further insist upon the House disagreement to all of the Senate amendments with the exception of amendments 48 and 111, and to agree to the conference.

Mr. MANN. Oh, no; the gentleman does not want to agree to the conference yet.

Mr. STEPHENS of Texas. Mr. Speaker, there are two amendments that I desire action upon, amendments 48 and 111.

The SPEAKER. The gentleman from Texas moves that the House further insist upon its disagreement to all of the Senate amendments to the Indian appropriation bill except amendments 48 and 111.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, as to amendment No. 48, I move that the House concur in amendment No. 48 with an amendment, which I send to the desk.

The SPEAKER. The gentleman from Texas moves that the House concur in Senate amendment 48 with an amendment, which the Clerk will report.

Mr. MANN. Mr. Speaker, I suggest that the Senate amendment 48 be read.

The SPEAKER. The Clerk will report Senate amendment No. 48.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted land of the Indian reservations in the State of Minnesota.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against said tribal and allotted lands. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, to be reimbursable from any funds belonging to the individual allottees, or their heirs, from any funds belonging to the tribes subject to be prorated, in the discretion of the Secretary of the Interior. That the Secretary of the Interior be, and he is hereby, authorized to approve deeds for right of way from such said allottees, or their heirs, as may be necessary to permit the construction and maintenance of said drainage ditches upon the payment of adequate damages therefor: *Provided*, That no patent in fee shall be issued for any tract of land under the terms of this paragraph until the United States shall have been wholly reimbursed for all assessments paid or to be paid on such tract under the terms hereof. That the Secretary of the Interior is hereby authorized to do and perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into force and effect.

Mr. STEPHENS of Texas. Now, Mr. Speaker, I move to concur in that with the following amendment.

The SPEAKER. The Clerk will report the amendment to the Senate amendment.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted lands of the Indian reservations in the State of Minnesota. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amounts assessed against said tribal and allotted lands. That for the purposes specified in this section there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$60,000, to be reimbursable from any funds in the possession of the United States belonging to the individual allottees, whose lands are benefited, or their heirs, in case of their decease, when the payment relates to allotted lands, and from any funds belonging to the tribes subject to be prorated, when the payment relates to tribal lands. That the Secretary of the Interior be, and he is hereby, authorized to approve deeds for right of way from such said allottees, or their heirs, as may be necessary to permit the construction and maintenance of said drainage ditches upon the payment of adequate damages therefor: *Provided*, That no patent in fee shall be issued for any tract of land under the terms of this paragraph until the United States shall have been wholly reimbursed for all assessments paid or to be paid on such tract under the terms hereof. That the Secretary of the Interior is hereby authorized to do and perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into force and effect.

Mr. MANN. Mr. Speaker, in order to keep the record straight, while it was not so reported, I understand that the gentleman's motion is to concur in the Senate amendment with an amendment striking out all of the language of the Senate amendment and inserting in lieu thereof the language which the Clerk has just read.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. I suggest that so that the Clerk may have that record.

The SPEAKER. The motion of the gentleman from Texas is that all of the language of Senate amendment No. 48 be stricken out and the matter just read in the nature of an amendment be substituted therefor.

Mr. MILLER of Minnesota. Mr. Speaker, in the reading by the Clerk of the amendment offered by the gentleman from Texas one clause was omitted, and is probably omitted from the copy sent to the Clerk's desk, namely, the clause after the words "said tribal and allotted lands"—

on account of benefits accruing to said lands by reason of the construction of a drainage ditch or ditches under the laws of the State of Minnesota.

Mr. MANN. Has the gentleman a complete copy?

Mr. MILLER of Minnesota. Yes.

Mr. MANN. I suggest that the gentleman send that up and have the complete copy substituted for the other.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent to have the following substituted for the language just reported by the Clerk.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment as modified.

The Clerk read as follows:

Mr. STEPHENS of Texas moves to concur in Senate amendment No. 48, with an amendment striking out all of the language of amendment No. 48 and inserting in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to approve the assessments, together with maps, showing right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted lands of the Indian reservations of the State of Minnesota. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amounts assessed against said tribal and allotted lands, on account of benefits accruing to said lands by reason of the construction of a drainage ditch or ditches under the laws of the State of Minnesota. That for the purposes specified in this section, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$60,000, to be reimbursable from any funds in the possession of the United States belonging to the individual allottees, whose lands are benefited, or their heirs, in case of their

decease, when the payment relates to allotted lands, and from any funds belonging to the tribes subject to be prorated, when the payment relates to tribal lands. That the Secretary of the Interior be, and he is hereby, authorized to approve deeds for right of way from such said allottees, or their heirs, as may be necessary to permit the construction and maintenance of said drainage ditches upon the payment of adequate damages therefor: *Provided*, That no patent in fee shall be issued for any tract of land under the terms of this paragraph until the United States shall have been wholly reimbursed for all assessments paid or to be paid on such tract under the terms hereof. That the Secretary of the Interior is hereby authorized to do and perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into force and effect."

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state that this amendment came from the distinguished gentleman from Minnesota [Mr. MILLER]. It was not put in the bill in the House for the reason that it is legislation. The Senate, however, inserts everything of that kind it desires, as we know, and in order to come to an agreement with the Senate on this amendment we submit the present substitute for the Senate amendment, and that is the parliamentary situation at present. I desire to state that the committee investigated the matter and we believe that the relief asked for should be granted. The situation is this: The Indians are situated in a drainage district in that State. The State has laws regulating these matters and the Indians are interested equally with the whites and the citizens of the State relative to the drainage of this land. What benefits one benefits all and it is a piece of legislation that is needed in that country, and we received from the gentleman from Minnesota his amendment that covers the same ground that the Senate one does. For that reason we ask that the substitute be adopted.

Mr. STEENERSON. I want to ask the chairman of the committee—

Mr. STEPHENS of Texas. I first yield five minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER of Oklahoma. Mr. Speaker, the conferees when they went into the conference found this proposition in the bill, and after an examination it was decided that neither the language nor the amount appropriated was sufficient to do the thing that was contemplated by the amendment. The conferees had no right under the rules of the House to put in the language necessary to have the work done, and certainly had no right to exceed the amount appropriated by this amendment. So rather than exceed our authority we brought the matter back to the House, all of us agreeing that the proposition should be taken care of. I yield back the balance of the time to the gentleman from Texas.

Mr. STEPHENS of Texas. Does the gentleman from Minnesota desire some time? I will yield him some time.

Mr. STEENERSON. Very well.

Mr. STEPHENS of Texas. I yield the gentleman from Minnesota five minutes.

Mr. STEENERSON. Mr. Speaker, I would like to ask the gentleman this question: What is the difference between the substitute as offered by the gentleman from Texas and the proposition as offered by the gentleman from Minnesota?

Mr. STEPHENS of Texas. I yield to the gentleman from Minnesota to answer the question himself.

Mr. MILLER of Minnesota. The substitute is mine.

Mr. STEENERSON. But the gentleman from Texas has offered an amendment and then the gentleman from Minnesota offered an amendment or a substitute to his amendment.

Mr. MILLER of Minnesota. I can say there is no difference except I found the Clerk, in reading the one sent up by the chairman of the committee, omitted to read one clause, and thereupon I sent up my copy, which the Clerk read in its entirety.

Mr. STEENERSON. Where did this originate?

Mr. MILLER of Minnesota. I will say to the gentleman, if I have permission, four years ago I received a request from the Fond du Lac Reservation in our State, that has been open to white settlement, for some kind of legislation that would enable the construction of ditches serving allotments of Indian tribal lands similar to the construction of ditches in purely white territory under the laws of the State. I thereupon framed a law, which passed—

Mr. STEENERSON. An act of Congress?

Mr. MILLER of Minnesota. Yes; an act of Congress. That was confined to the Fond du Lac Reservation. At that time it was suggested in the Indian Office that it might be possible to have the terms so broad as to cover the entire State, but we did not enact it in that form at that time.

Under this act which formerly was passed they proceeded in that county and on the reservation to establish the drainage ditch, and, as the gentleman well knows, it is a court matter, and the court proceedings in our State have been complied with and all the surveys have been made and estimates of the benefits

made, so every piece of land, whether belonging to whites or Indians, has now assessed against it the proportionate benefit it will receive from the construction of this ditch. That work was completed more than a year ago. The original act required plans and specifications for the ditch should have to be approved by the Secretary of the Interior, and he had full discretion in this matter. It was thought advisable to give him full discretion in order that the rights of the Indians might be absolutely and completely protected. The Secretary of the Interior, acting through an engineer whom he sent out there a year and a half ago and again last year, suggested that some modification in the plans was needed in order that some of the Indians might have their rights absolutely protected beyond peradventure and thereupon modifications were had, the last only occurring a very few weeks ago, about two weeks ago, and a final statement from the engineer sent out by the Indian Office was made as to certain minor details that would have to be changed. They have made those changes and at their request it is necessary to have an appropriation. I found that the Indian Office, while the bill was in the Senate, had asked that there be inserted in the Indian appropriation bill legislation giving general authority in drainage matters all over the northern part of the State, so that the law will be applicable to the White Earth Reservation or any other place where Indian lands might be affected by drainage propositions. So when the bill went to conference it contained this provision which the Senate had inserted, and they had authorized an item of \$15,000, which they thought would be sufficient, though this did not have any provision made for this particular drainage proposition. That was all that was thought necessary. I may say this is ready for actual action.

Mr. STEENERSON. That is on the Fond du Lac Reservation.

Mr. MILLER of Minnesota. That is on the Fond du Lac Reservation. We found the assessed benefits against all the Indian allotments—and there are several hundred of them—amount to \$35,000. Therefore I suggested we increase the \$15,000 to \$35,000, so that this Fond du Lac proposition could now be taken care of and we would not have to pass a general law, which was satisfactory to all persons interested, but it has been suggested that there might be need of more than the \$35,000 and \$15,000, and so out of caution we authorized the Secretary, in his discretion, to draw up to \$60,000, but no more. So the law is applicable generally to the State as it now stands, and substantially it takes care of this proposition.

The SPEAKER. The time of the gentleman from Minnesota [Mr. STEENERSON] has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I would like to ask a further question of the gentleman from Minnesota [Mr. MILLER]. I believe he states that this provision has the approval of the Interior Department?

Mr. MILLER of Minnesota. I am informed by the Senators that it was submitted to the Interior Department; and some of the language, I think, they changed to suit themselves, and it does meet with their approval.

Mr. STEENERSON. The gentleman has no direct information?

Mr. MILLER of Minnesota. Except in this, that I conferred with the drainage engineer in the Indian Office and with the administrative officer that has general charge of matters of that kind. I was unable to get hold of the commissioner, because he was not in his office. I recollect that I talked briefly with Mr. Meritt, the assistant commissioner, while he was on duty at the Senate end of the Capitol, and he did not disapprove it.

Mr. STEENERSON. As I understand the provision now, it will include all the Indian reservations in Minnesota—the Red Lake Reservation, where there are no allotted lands, and the White Earth Reservation, where the lands are allotted?

Mr. MILLER of Minnesota. But there will be no action without additional appropriation, the gentleman will understand.

Mr. STEENERSON. I understand.

Mr. MILLER of Minnesota. It was understood in the Indian Office—and that is the point on which I conferred with Mr. Meritt particularly—that \$35,000 is to take care of the drainage proposition in Fond du Lac Reservation.

Mr. STEENERSON. Has the gentleman from Texas [Mr. STEPHENS] any information as to whether this provision is satisfactory to the Department of the Interior?

Mr. STEPHENS of Texas. Only through the conference of the two Houses. We discussed the matter, and we had the information that, without a dissenting voice, if this matter had

been placed before the House originally the House would have agreed to it, but that it would have been subject to a point of order because it was new legislation.

Mr. STEENERSON. You have no communication from the Interior Department?

Mr. STEPHENS of Texas. The Interior Department has no objection to it, I understood it from the hearings of the Senate on this item. I think it is very beneficial at this point.

Mr. STEENERSON. I will say to the gentleman that I received several protests from people who had lands on the White Earth Reservation, stating that this project was inimical to the interests of the Indians. The gentleman has heard nothing about it?

Mr. STEPHENS of Texas. It is all in the hands of the Secretary, and if he sees that it would be injurious to any of the Indians he has discretion to use the funds as he sees proper.

Mr. STEENERSON. I can see where it would be beneficial to the Red Lake Reservation, where there are 300,000 acres of swamp land.

Mr. MILLER of Minnesota. The senior Senator from Minnesota has carefully gone over this, and it meets with his entire approval.

Mr. STEENERSON. I had not heard anything about that. I received two protests from the White Earth Reservation, stating that they were sent to Senator CLAPP and Senator NELSON and myself, and those are the only objections that I have heard.

Mr. STEPHENS of Texas. After we investigated the matter we were sure that this legislation should pass in the shape that it is now in.

Mr. STEENERSON. The gentleman is satisfied that it would be for the interest of the Indians on all these Minnesota reservations?

Mr. STEPHENS of Texas. It comes out of their funds. It is reimbursable.

Mr. STEENERSON. I understand that where the expense of the drainage project benefits the tribal land it is paid out of the tribal funds, and where it benefits individual allotments it is taken out of the funds of the allottees?

Mr. STEPHENS of Texas. The gentleman is correct.

Mr. CARTER of Oklahoma. Will the gentleman yield to me? I received one protest from Mr. Beaulieu, I think it was, against this proposition, which was the only dissenting voice I have heard, if my memory serves me right.

Mr. STEENERSON. My information comes from other sources.

Mr. STEPHENS of Texas. One of the Senate conferees stated the Indian Bureau was favorable to this and so expressed itself in the Senate hearings. I did not look up the hearings to verify that statement, but after looking into the proposition and seeing that the drainage of all these lands might be stopped and held up unless something was done, and a large portion of these lands might be held up unless something was done to provide for running the ditches across the Indian lands, it then seemed to me imperative that we take some action in the premises, and we next looked to see if there was any violation of any treaty, because in view of the Choate against Trapp case, if you have a treaty with an Indian that his land can not be taxed for any purpose, an act of Congress would be invalid. We were advised that no treaty was being violated in case we should provide to take these funds out of the tribal funds for drainage across the Indian lands in order that the Indian might be benefited along with the white man.

Mr. NORTON. The gentleman is, I think, himself as well acquainted—

The SPEAKER. The time of the gentleman from Minnesota [Mr. STEENERSON] has again expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. I want to ask the gentleman a question, because I believe the gentleman is as well informed concerning the actual conditions on the Indian reservations in Minnesota as any man in the House.

Does the gentleman—and I take it that he understands the nature of the proposed legislation—see any objection in legislation of this character?

Mr. STEENERSON. No.

Mr. NORTON. This permits the Secretary of the Interior, in his discretion, to pay for the benefits from the construction of drainage ditches received by the allottees of these Indian lands?

Mr. STEENERSON. In answer to the question of the gentleman from North Dakota, I will say that from my general knowledge of the drainage laws of Minnesota and my knowledge of the conditions of various reservations I believe this

provision would be very beneficial. But I would further say that I have received no petition or request from any of the reservations, and I have never heard from the Commissioner of Indian Affairs or any department officials about it. So I wanted to be informed. I am satisfied that this legislation may result in the reclamation of very large tracts of land which are now valueless and do it in an equitable manner, so as to distribute the cost as it ought to be distributed.

Mr. NORTON. It has impressed me as being very desirable. I can see, of course, that it may be objectionable to some allottees. Some individuals would not wish to have a drainage ditch constructed near their lands in any case. They might have no reasonable ground for objection, but would object on general principles, on account of their contrary nature.

Mr. STEENERSON. These two land owners who have communicated with me say they live on high and dry land, and are afraid that they would be taxed for the drainage of lands that are wet.

Mr. MILLER of Minnesota. Under our law such a man could not be taxed for the drainage of high and dry land.

Mr. MURRAY. I will state to the gentleman from Minnesota [Mr. STEENERSON] that this is very much like the legislation passed a few years ago concerning the lands of the Five Civilized Tribes.

Mr. STEENERSON. In Oklahoma?

Mr. MURRAY. Yes. This is like the act passed for Lincoln County, in that in its administration it is left in the discretion of the Secretary. We must presume that the Secretary will not permit assessments that are wrong upon the Indians.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield to me?

Mr. STEPHENS of Texas. Yes; I yield to the gentleman five minutes.

Mr. MILLER of Minnesota. I desire to take a few minutes' time to assure my colleague from Minnesota [Mr. STEENERSON] that he ought to have been consulted in legislation of this character, no matter where it originated, and I am sure he would have been consulted if it had originated in this Chamber. If this legislation had emanated from the Indian Office originally no doubt it would have been brought to his attention and the opinion of the gentleman would have been asked in reference to it. I drafted, as I said, a bill making this the law for the Fond du Lac Indian Reservation. I was going to put it in the conference report, and found they had put in this, so I seized hold of this framework and changed it, so far as it was necessary to make it good law, and then it was agreed upon by the conferees.

One word further. I think, as the gentleman says, this is a law capable of producing a great deal of benefit to the Indians in certain portions of Minnesota. The gentleman is familiar with the Red Lake Reservation, much more so than I, and I perhaps am more familiar with some other sections than he. In all these lands we have invited the whites to go in and take the unallotted lands and improve them along with the Indians, and road building has been encouraged in order that the Indians and white men might progress side by side. In some portions of that country, in order that there may be any development at all, drainage is necessary. I have received many letters—scores of them from this section—to the effect that a great part of the land in this section is covered with water and at certain times the people have to move about in boats, and the development of such lands is impossible unless a drainage proposition like this goes through.

The gentleman from Oklahoma [Mr. MURRAY] has called attention to the fact that all these laws vest in the Secretary of the Interior full authority for the protection of the Indians. We have one test of that with respect to this project that I have mentioned. I can say without reservation that the Secretary of the Interior, through his subordinates, has exercised unbounded care to protect the Indian in all these assessments against him. In fact, they have used a microscope on him. In fact, the Indian allotments here are protected better by far than any of the lands held by the whites on the same proposition. The Indian Office has required a change and a variation in these plans in every particular where they thought there was the slightest doubt or where they thought the welfare of the Indian was not properly conserved. Therefore, exercising this discretion, the Secretary has amply protected the Indians, and this project will be for their eternal benefit and welfare. Therefore I hope it will be agreed to without dissent.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. HASTINGS. Are the commissioners who are appointed to assess the damages named by the district court?

Mr. MILLER of Minnesota. Yes.

Mr. HASTINGS. And they make a report back to the court?

Mr. MILLER of Minnesota. Yes. It has to be approved by the court under the law. Of course, it is all done by engineers. We have ditch engineers in the State who survey out the projects, locate them, assess the benefits, and make up the plat. That has all to go to the court, and proper evidence has to be given to show that the benefits have accrued, and then the court approves.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Texas moves that the House concur in Senate amendment No. 48 with an amendment. The question is on agreeing to that motion.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that amendment No. 111 be reported.

The SPEAKER. Is the gentleman offering an amendment to it?

Mr. STEPHENS of Texas. No; it is a Senate amendment. We desire to concur in the amendment.

The SPEAKER. The gentleman from Texas moves to recede and concur in Senate amendment 111. The Clerk will report the amendment.

Mr. STEPHENS of Texas. It is for an increase of salary.

The Clerk read as follows:

SEC. 27. That to provide during the fiscal year 1918 for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum so much as may be necessary is appropriated: *Provided*, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state that this does not apply to employees of the Indian Bureau in this city. That proposition is cared for in another bill now pending in the House. This does apply to Indian employees outside of the city of Washington. This is the recommendation of the Senate, and each one of your conferees was in favor of this amendment. It begins with the employees receiving the lowest amount of salary, and gives them a raise of 15 per cent up to a certain point and 10 per cent above that. Above a thousand dollars nothing is given to them, according to the amendment just sent up.

The SPEAKER. The gentleman from Texas moves to recede—

Mr. MANN. Will the gentleman yield to me 15 minutes?

Mr. STEPHENS of Texas. I will yield to the gentleman 15 minutes, if he desires to discuss the motion. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has an hour, if he desires to use it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and forty-one Members, not a quorum.

Mr. RUSSELL of Missouri. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Allen	Costello	Guernsey	McCracken
Barchfeld	Cullop	Harrison, Miss.	McCulloch
Barnhart	Dale, N. Y.	Haskell	McFadden
Beakes	Davenport	Haugen	Maher
Beales	Dewalt	Henry	Matthews
Benedict	Dickinson	Hicks	Miller, Del.
Bennet	Dooling	Hill	Mooney
Blackmon	Drukker	Hinds	Morgan, La.
Bruckner	Edwards	Hulbert	Moss
Buchanan, Tex.	Estopinal	Husted	Mudd
Campbell	Farr	Keister	Oglesby
Cantrill	Ferris	Kincheloe	Patten
Carew	Fitzgerald	Kitchin	Porter
Carter, Mass.	Flood	Lee	Pou
Casey	Flynn	Lever	Price
Chandler, N. Y.	Foster	Lewis	Rowland
Chipherfield	Gandy	Liebel	Rucker, Mo.
Cline	Garrett	Linthicum	Russell, Ohio
Coleman	Graham	Lloyd	Sabath
Connelly	Gray, Ind.	Lobeck	Schall
Conry	Griest	Loft	Scott, Pa.

Scully  
Sells  
Shackelford  
Sherley

Slomp  
Smith, Idaho  
Smith, N. Y.  
Steele, Pa.

Stout  
Taggart  
Talbot  
Vare

Williams, W. E.  
Winslow

The SPEAKER. On this vote 335 Members, a quorum, have answered to their names.

Mr. RUSSELL of Missouri. I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman moves to dispense with further proceedings under the call.

The motion was agreed to.

Accordingly further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for 15 minutes.

Mr. STEPHENS of Texas. I would like to ask the gentleman what arrangement we can make relative to a division of time between those speaking for and those speaking against the amendment.

Mr. MANN. Of course the gentleman has control of the time. I do not suppose I will use all of the 15 minutes which I have. If I do not, I will yield it back to the gentleman, and I think it will develop how much time is needed.

Mr. STEPHENS of Texas. I will state that I want to make an equal division of time if possible. I have quite a number of names here—

Mr. MANN. I hope I will not use all of my 15 minutes.

Mr. STEPHENS of Texas. I yield 15 minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the proposition which is before us will determine the attitude of the House with reference to the increase of salaries of Government employees. There are to-day in conference three appropriation bills—the legislative appropriation bill, the Agricultural appropriation bill, and the District of Columbia appropriation bill—and in each case there is in conference now what is called the Smoot amendment of the Senate, giving increases in salaries to employees receiving \$1,000 or less, and there is what may be called the Committee on Appropriations proposition, which was to give an increase of 10 per cent of salary to all receiving less than \$1,200 and 5 per cent to all receiving between \$1,200 and \$1,800. These two propositions are in conference between the House and the Senate on the three appropriations which I have mentioned. The Indian appropriation bill now before the House contains as a Senate amendment what is called the Smoot amendment, which gives an increase in salary up to and not above \$1,000 in salary.

Well, there are a great many ways of skinning a cat, and here is a parliamentary method, I will not say intended, but which would have had the effect of preventing the House ever expressing its opinion on any of these things if the motion made had been permitted to go through without calling it to the attention of the House. For that reason I made the point of no quorum. The present proposition is for the House to concur in the Smoot amendment on the Indian appropriation bill. That is a privileged and preferential motion. If the House concurs in the Smoot amendment on the Indian appropriation bill, the House conferees on the other bills will take this as the instruction and position of the House on the subject, and they will promptly agree in conference to the Smoot amendment on the other appropriation bills, and will be entitled to do so.

Now, the present proposition before the House is to concur in the Senate amendment. That is a preferential motion. At this stage of the proceedings a motion to concur in a Senate amendment takes precedence over a motion to concur with an amendment. If the House wants to abandon the position it took when it voted on the legislative appropriation bill and make no increase in salaries where the present salary amounts to over \$1,000, then the committee should vote for the pending motion to concur in the Senate amendment, because that will eliminate any increase in salaries where salaries exceed \$1,000. If the House declines to concur in the Senate amendment and votes down the present motion, then a motion will be offered to concur in the Senate amendment with an amendment inserting in the Indian appropriation bill the same amendment which the House put in the legislative bill, in the Agricultural bill, and in the District of Columbia bill. We have before us now for determination whether we will vote against increasing the salary of any of the Government employees according to these terms where the salary amounts to over \$1,000.

I was not willing to let the House put itself on record without its knowing the facts. The motion was made and we were about to have a vote. I made the point of no quorum and have stated the matter to the House, as I ought to in all fairness. If the House does not want to give an increase of salary where the salary amounts to more than \$1,000, but wants to take the Smoot amendment as it passed the Senate, then it should vote

to concur in the Senate amendment, and under the present motion it would be a vote of "aye." If Members do not want to do that, but want to insist on the position of the House that there should be an increase in salaries up to \$1,800, they should vote "no" on the pending motion, and then there will be another motion presented on which they can vote, maintaining the position of the House.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Will the gentleman permit me to state that the increase in the Senate amendment is to provide during the fiscal year of 1918 increase of compensation at the rate of 15 per cent per annum to employees who receive salaries at the rate of \$480 or less, and an increase in compensation at the rate of 10 per cent per annum to employees receiving more than \$480 and not exceeding \$1,000 per annum, and so forth.

Mr. MANN. That is the Smoot amendment, and I thought that everybody understood what it was; but if they do not it is easily stated. The House proposition was to increase by 10 per cent all salaries below \$1,200, and an increase of 5 per cent for all salaries from \$1,200 up to \$1,800, inclusive. The Senate proposition is to increase salaries 15 per cent up to \$480, and 10 per cent from \$480 to \$1,000, and no per cent above \$1,000. [Applause.]

I yield back the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE of North Carolina. Mr. Speaker, when I asked for recognition it was largely for the purpose of saying to the House just what the gentleman from Illinois [Mr. MANN] has said, that we might not vote under any misapprehension on the motion made by the gentleman from Texas. There are five of these appropriation bills, all involving salaries, either now in conference or in the Senate, and will be in conference with either the House provision or both provisions embodied in them in disagreement between the two bodies.

As a conferee on the part of the House in one of these bills—and I know other gentlemen charged with the responsibility feel the same way about it—I have felt that I would like to have the House take from us the responsibility of determining whether or not it was going to stand for the original House provision as passed in the legislative bill, increasing by 10 per cent for the fiscal year 1918 all salaries below \$1,200 and 5 per cent all those salaries from \$1,200 to \$1,800, both inclusive, or whether they prefer the amendment placed in bills in the Senate of 15 per cent increase in all salaries below \$480, and 10 per cent on salaries between \$480 and \$1,000.

I think, too, that the House ought to know, as nearly as can be calculated, the amount of money involved in each of these provisions. The amount involved in the provision in the legislative bill and carried in all the five appropriation bills into which it will be incorporated, will require something like \$30,000,000 to meet the increase for the fiscal year.

Mr. COX. That is in all the appropriation bills?

Mr. PAGE of North Carolina. In all the appropriation bills carrying salaries, about \$30,000,000. The Smoot amendment involves a little less than half that amount, or thirteen or fourteen million dollars.

I know that there are men in this House who feel that the salaries of all these people ought to be increased. On the other hand, there are a great many others who believe that their present wage is greater without any increase at all than the wage for a like service rendered in private employment. I think the House ought to take this into consideration and it ought to take into consideration the condition of the Treasury and the other expenditures that we are making from the Treasury. If these people were not as well paid as other people or people in private employment, if their hours of labor were onerous, or if the conditions under which they work were unfavorable, then it seems to me that there might be some excuse for us to pick out these people who have the good fortune to be employed by their Government and give them a bonus and tax the other people who have not the good fortune to be employed by their Government to pay the bill. My own personal view about the matter is that both amendments ought to be stricken out, although I have no hope that we can do it.

Mr. CALLAWAY. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. CALLAWAY. Does not the gentleman think we ought to strike out these increases in view of what Gen. Wood and Admiral Fiske have told us about the American people being effeminized by their luxurious lounging on cushioned chairs and sleeping in downy beds and riding in limousines and wearing kid gloves?

Mr. PAGE of North Carolina. That does not apply to an employee of the Government who receives \$480 a year.

Mr. LANGLEY. Nor \$1,000.

Mr. CALLAWAY. According to their statement it applies generally to all of the American people. They say that this business has so effeminized us that it is necessary for us to now go to war.

Mr. PAGE of North Carolina. I do not think any Government clerk is weighted down by the amount of work that he has to perform. He may be fatigued in his search for something to do in some of these departments.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I will ask the gentleman to yield me a little more time.

Mr. STEPHENS of Texas. Mr. Speaker, I yield the gentleman three more minutes.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Yes; for a question.

Mr. MADDEN. I understood the gentleman to say that he did not think the Government clerk was weighted down by the amount of work he had to perform. He might have added nor by the amount of money he is obliged to carry about.

Mr. PAGE of North Carolina. Oh, no; and neither are a great many other people in the gentleman's district and in mine. There are thousands of wage earners who do not receive a salary equal to that of the Government employee, and they have to pay a tax to increase the salaries of these fellows here. There is not a man here in whose district that does not apply. I dare say that the average wage earner in the district of any man upon the floor receives less than the average wage of the Government employees in any branch of the Government service, and I know his hours of labor are longer and the character of work that he has to do is more onerous. Believing that, I shall take the very least that I can get; and I want to state to the House that I shall vote for the motion made by the gentleman from Texas [Mr. STEPHENS], that the House concur in the Senate amendment known as the Smoot amendment. If the House expresses that judgment, then, as one of the conferees on another bill, I shall walk into the conference and take the same action without coming back to the House, believing that I am warranted in doing so, and so will the other conferees on these other bills. My hope is that the House will vote for the motion of the gentleman from Texas to concur in the Senate amendment.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I hope the amendment offered by the gentleman from Texas [Mr. STEPHENS] will be voted down. If that happens, the House will then be in a position to vote to concur in the Senate amendment with the House provision or such an amendment as may seem proper. I think the Members of the House thoroughly understand the situation as it is presented to us. The House provided for an increase for a year of 10 per cent in all of the salaries up to \$1,200 and 5 per cent in the salaries from \$1,200 up to \$1,800. The Senate proposes a 15 per cent increase of the salaries up to \$480, 10 per cent increase of the salaries from \$480 to \$1,000, and no increase beyond that. What is the situation with regard to the Government clerks? In a general way I agree with the gentleman from North Carolina [Mr. PAGE] that the Government pays its employees liberally and well in the higher grades, but that is not true with regard to the many low-paid employees of the Government. Before the recent increase in the cost of living these people were not generally receiving more than was paid by private employers for the same class of work, and since the increase in the cost of living that has come under this Democratic administration, private employers have increased the pay of their employees all of the way from 5 to 25 per cent, while these low-paid employees of the Federal Government have received no increase. The Secretary of Commerce of this administration, in a report made a short time ago, estimated the increase in the cost of the most important articles entering into the cost of living in the last year of 34 per cent, and the most that we have suggested as an increase to anyone is 15 per cent to charwomen, and a few other very low-paid employees, and 10 per cent to the employees up to \$1,200 and 5 per cent up to \$1,800. The difficulty about the Senate amendment is this: It reaches only the thousand-dollar-a-year employee, and so far as the clerical employees and skilled labor under the Government are concerned the Senate amendment affects comparatively few married employees. It does help a very deserving class of employees, many of whom are married, like the custodians of public buildings, the engineers and firemen about the public buildings, and certain other employees in the field service and

elsewhere, but, when you come to the grade of skilled labor and the lower-paid clerical help, the thousand-dollar limit reaches comparatively few of those who need it most, to wit, the married employees, because below \$1,000 the places are to a very considerable extent filled by young men and young women who have no one dependent upon them; when you reach the grade a little higher, then you get into the positions held by those who have been in the service long enough to have reached the higher pay and to have taken upon themselves the responsibility of a family.

These people need our help more than any other class of employees under the Government, and I say to you gentlemen that from the hearings before the Committee on Appropriations it is to me as plain as anything can possibly be that the highest increase proposed in any of the amendments is not enough to relieve many of these people from actual distress. It is exceedingly difficult for them to live and support their families decently on the sums they are now receiving.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. May I have two minutes more?

Mr. STEPHENS of Texas. All right.

Mr. MONDELL. If the motion of the gentleman from Texas is voted down, and I have an opportunity, I shall make a motion, or hope some one else will, to this effect: That we accept the Senate amendment so far as it relates to the employees getting \$480 and give them 15 per cent. That as to the 10 per cent raise, we advance that to the point fixed in the House provision, \$1,200, and that we add to the Senate amendment the 5 per cent provision offered in the House for employees from \$1,200 to \$1,800. That will be a provision of 15 per cent increase up to \$480, 10 per cent up to \$1,200, and 5 per cent from \$1,200 to \$1,800. And I say to you gentlemen, after a pretty careful consideration of these matters as they have been presented in the committee by the officers in charge of the bureaus and departments of the Government, that that increase is the very least for which we can in good conscience afford to vote.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. MONDELL. I will, but I have only a minute.

Mr. SMITH of Michigan. Does the gentleman think it is an equitable distribution wherein a man drawing \$1,100 gets \$110 whereas a man drawing \$1,200 will only get \$60?

Mr. MONDELL. There is no plan on which you can arrange it that will not leave some inequities. If the gentleman can propose a plan that will not leave such an inequity, I will be glad to join him; but we have not the time to go into the matter in any great detail now. We are proposing a temporary provision to partly, at least, meet the present situation, and I hope we will do it in a fair and decent way. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. MILLER], a member of the committee.

Mr. MILLER of Pennsylvania. Mr. Chairman, it strikes me this amendment should be adopted. I do not know how any man can live in the city of Washington or any place else on less than \$2.50 a day. In my town, which has very little manufacturing, surrounded by a rural community, a laboring man doing common labor receives \$2.25 every day that he wants to work, working nine hours, and oftentimes, particularly from April to November, you have to engage a man two or three days ahead to get him at that price. How can a man live in the city of Washington on \$500 or \$600 a year? If I had to live on \$500 or \$600, if that is all I could get for myself and my family, I think I would prefer the almshouse, where they and I would be taken care of and do what little work I could do for them there. It comes with ill grace from people all over the United States, who are receiving large salaries and large incomes, to refuse to give to a man, the head of a family, enough money to feed them, so that at least they will not go to bed hungry, to at least clothe them reasonably well, to enable them to live like human beings, and, considering what we get, considering what we receive, considering what we are paid, I hope that this House will vote to give the miserable, measly little increase to these employees that is asked for in this amendment. [Applause.]

Mr. STEPHENS of Texas. I yield five minutes to the gentleman from Washington [Mr. DILL].

Mr. DILL. Mr. Speaker, if this amendment or if this motion is not adopted, I shall be glad to vote for the amendment suggested by the gentleman from Wyoming [Mr. MONDELL]. In other words, I believe that the lowest-paid employee should have at least a 15 per cent increase, that those up to \$1,200 should have a 10 per cent increase, and up to \$1,800 a 5 per cent increase, but at this time we will be called upon to choose be-

tween these two amendments, and it seems to me that whether we are in favor of helping people who need help the most or whether you are in favor of cutting down the amount of money that is to be taken out of the Treasury, we should favor the motion of the gentleman from Texas to concur in the Senate amendment.

The people who are receiving \$480 or less are the most in need of this increase. The people who are receiving more than \$1,000, I believe, are in need of an increase, too, but when I must choose between whether I shall help a man whose standard of living has been affected by the increase in the cost of living or help the man whose standard of luxury and savings is affected, I shall choose on the side of the man whose standard of living has been affected. As has been said here, the amount of money that will be taken from the Treasury will only be about one-half as much by taking the Senate amendment in preference to the House amendment. I want to give another reason as to why I am in favor of the Senate provision. There has been a great deal of talk when this question of raising salaries had been brought up at different times about the short hours of work by men in the Government employ. The fact of the matter is that the lowest-paid employees of the Government work the longest hours. If I must choose between which class of employees should not be helped, I shall choose not to help those who work the least number of hours. [Applause.] So that it seems to me that we shall be acting in accordance with the demands of the people who need help the most; we shall be acting in accordance with the theory that he who works longest should be helped first; and we shall be acting in accordance with the demands of the Federal Treasury, which some gentlemen seem so much concerned about when we talk about wages, but seem to have no concern whatever about it when we talk about spending it for some imaginary need of munitions that happen to come up in the House. So for these three reasons it seems to me the Senate amendment is preferable to the House amendment. [Applause.]

Mr. STEPHENS of Texas. Mr. Speaker, I yield to the gentleman from Iowa [Mr. Good] five minutes.

Mr. GOOD. Mr. Speaker, this provision was gone over very thoroughly when the legislative bill was before the House. It will be recalled that in that bill we increased the pay of our own secretaries and clerks \$500 per year. It will be recalled we gave an increase of 5 per cent to every employee of the Government who received a salary of \$1,200 to \$1,800, both inclusive. The Senate amendment grants no increase to a person who receives a salary of \$1,200 or more. It gives, as has been stated, 15 per cent to the charwomen instead of 10. To those employees who work only a small portion of the day, if you please, who have other employment, it increases their wage 15 per cent, but it does not do a thing for the person who is the head of a family, the man who ought to have our sympathy.

When the fortification bill was before the committee that framed it, those who came before the committee stated that it was necessary to pay 25 per cent more for material now than a year ago, and when asked why, they said the whole increase practically resulted from an increase in the wages paid by the manufacturers throughout the country. The facts are, my friends, that every financial institution in the land, every manufacturing institution in the land, is increasing the pay of its employees. And can it be said that this House is a progressive body if it will stand pat and refuse, in view of the greatly increased cost of living, to give a reasonable increase to the Government employee who is at the head of a family, but who gets only \$1,200 or \$1,220 a year? That is what this proposition is.

The Auditor for the Post Office Department has about 700 employees under him. I asked him a few days ago how many heads of families among the employees in his department would be affected by the House provision and how many would be affected by the Senate provision. In that great department, if we adopt the Senate provision, we will only benefit 44 out of 700 employees, but by the House provision we will benefit, if that is adopted, 185 men who are heads of families. [Applause.]

Take the naval appropriation bill, and many of the increases in that were made necessary because of the increased cost of producing guns and naval stores. We recognized the increase of wages paid by the employer in those institutions, and we granted larger appropriations because of that fact, but we say to these employees of the Government, "We will not do for you what we are encouraging manufacturers to do for their employees, and that is, increase the wages of our employees."

Now, whatever is done in this House to-day with regard to this item, we will, of course, do, as was stated by the gentleman from North Carolina [Mr. PAGE], in the legislative bill, the

District bill, and the other supply bills. It seems to me the House ought to be consistent and vote down the provision that is inserted in this bill, and it ought to vote to include in the bill the same proposition that was included in the legislative bill, and that would give an increase to all of the employees of the Government who receive salaries of \$1,800 or less.

Mr. MANN. Will the gentleman yield for a question?

Mr. GOOD. I yield.

Mr. MANN. If the House refuses to agree to the present amendment, will the gentleman offer to concur with an amendment inserting the House proposition?

Mr. GOOD. I have an amendment to that effect, and if this is voted down I will offer a motion to concur with an amendment, and that amendment will be the exact proposition which this House finally adopted when the legislative bill was before the House.

The SPEAKER. The time of the gentleman from Iowa [Mr. Good] has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from North Dakota [Mr. NORTON], a member of the conference committee.

Mr. NORTON. Mr. Chairman, it has been very clearly stated what the effect of the adoption of this amendment would be. Whether we adopt the motion to concur in this amendment or not, it seems to me, should depend upon a fair consideration of the salaries now being paid Government employees and the salaries being paid employees in similar private employment. As far as my observations have gone I do not find that for the most part Government employees are underpaid. I know that in my section of the country—and not only in my own congressional district, but throughout the Northwest—there are hundreds, yes, thousands of men and women employed in productive occupations who are not being as well paid for their time and labor as the employees in the Government service in that section of the country or in this section of the country.

I know if we were to listen to and be guided in our actions by the newspapers of Washington and by the magazines that claim to officially represent Government employees, which newspapers and magazines are largely, if not altogether, dependent for their existence on the patronage of Government employees, the last dollar in the Treasury would be the only limit to the increase of wages granted.

A few weeks ago I had the opportunity of spending some time at Panama and the Canal Zone. There the Government employees, like here in Washington, are loudly clamoring for an increase in wages, without any thought or consideration of what men and women outside of the Government service are receiving for their days and hours of toil in similar lines of work. As is well known, there has been an attempt made to represent to the people throughout this country that the climatic and health conditions on the Canal Zone are very bad, and that it is a great patriotic sacrifice for anyone to remain in the Government employ on the Canal Zone, whereas, as a matter of fact, the health conditions and the working conditions on the Canal Zone are almost ideal.

I am not going to take the time now to recite at length some of the conditions I found down there recently. At some future time I expect to occupy the time of the House in presenting some facts concerning conditions on the Canal Zone that will be of interest to the House. I want to say here and now that I never saw employees anywhere in the country—and I have been over pretty much all of this country from the Atlantic to the Pacific and from the Canadian boundary to the Gulf of Mexico—living in more ideal conditions than are the Government employees down there. But are they satisfied with what the Government is paying them? No; not at all, and will not be as long as they are led to believe that the Treasury of the United States is open for further easy raiding.

Now, I believe, and I want to say it in the short time I have, that this amendment is a fair amendment to adopt under all existing labor and living conditions in this country. I have always believed in helping the man who works most and who is receiving relatively the least compensation. The man or woman who receives \$480 a year or less in the Government service is the one who is doing relatively the most and the hardest work, and who most needs an increase if there is any increase to be given to Government employees. I believe that we will be doing a fairness and a justice to adopt this amendment at this time, but I do not believe that there is any just need now to make a horizontal increase in the salaries of those receiving more than \$1,000 a year.

The men who, for the most part, are paying the taxes to meet the salaries of Government employees are working throughout the country long hours. Out in my country to-day men who do not receive for their labor more than an average of about

\$1.60 a day are feeding cattle, feeding horses, and doing the never-ending work on the farm not for 8 hours a day, with 60 days a year for vacation, but they are working 10, 12, 14, and 16 hours a day. They are delving down in snow banks 3 to 10 feet deep to-day to get out hay and feed for their live stock. They are working from early dawn to late at night to produce the products the Nation must have to eat and wear. They it is who by their hard toil supply the funds for taxes to pay the salaries of Government employees who are working six or seven hours a day and who are living a life of comparative ease. Those things and those conditions, gentlemen of the House, should be taken into consideration in determining this question.

Mr. RICKETTS. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. RICKETTS. I understand you to say the laboring men in your State are working for \$1.60 a day and 10 to 14 hours a day?

Mr. NORTON. Yes; those who labor on our farms. They do not receive on an average more than that.

Mr. RICKETTS. Do you notice any difference in the high cost of living in your State?

Mr. NORTON. Yes; we have noticed a difference in the high cost of living. We have to help pay for all these people who are nonproducers throughout the country, and who occupy most of their time in demanding an increase of wages.

Mr. RICKETTS. Is it the purpose of the gentleman to put the Government employees in the same category with the people in your State that perform agricultural or manual labor?

Mr. NORTON. I will tell the gentleman what it would be my purpose to do. If I could, to-day, I would place a large percentage of the employees of the Government in this country and other men now in nonproductive occupations on a salary that would induce them to go into productive occupations; into lines of industry where they would produce things for themselves and other people of this country to eat and wear. This would equalize and lower the cost of living more than anything else of which I know.

Mr. RICKETTS. I agree with you on that proposition. I have no quarrel with you about that at all. But does the gentleman know that the cost of living in Washington is now higher than it has ever been, that you can not buy a pound of sugar in the city of Washington for less than 15 cents?

Mr. NORTON. I know what the high cost of decent living is, and I know what the cost of high living is throughout the country. But we here are helping to produce and continue this condition. We are inviting young men and women into the Government service at high wages and taking them out of productive employments. We are creating a condition such that you can not hardly get a young man to work on the farm any more. He will tell you that he prefers to go to an agricultural experiment station conducted by the Government where he will receive a salary of \$100 or more a month. He will not work on a farm at \$50 a month. He usually has in mind to go to Washington or elsewhere in the Government service, where he can have easy employment, short hours, and a fat salary to be paid out of the taxes supplied by those not in the Government employ.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. MILLER of Minnesota. Do you pay as high as \$50 a month in your State for farm hands?

Mr. NORTON. Yes; we pay as high as \$50 a month in my State for farm hands.

Mr. MILLER of Minnesota. I am glad to know that. I worked once for \$25 a month.

Mr. NORTON. Well, I may say I have worked for \$15 a month on the farm and worked harder than any Government employee here in Washington is required to work.

Mr. MILLER of Minnesota. And I was glad to get it.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly; I shall be pleased to yield to the gentleman.

Mr. GOOD. The gentleman is entirely mistaken.

Mr. NORTON. No. I am not entirely mistaken, nor am I partly mistaken. I know pretty well about farm-labor conditions in the gentleman's State; and I want to say to the gentleman that the employees in the Government service in Iowa are to-day better cared for and receive better salaries than the farm laborers who are producing the things to eat and to wear for these Government employees. [Applause.]

Mr. GOOD. What I had reference to was his comparison of the salaries paid by the Government with salaries paid by institutions in Washington. I had the Bureau of Efficiency get some information for me, and I have it here. That information is to

the effect that the street railway companies pay more for common laborers than does the Government in the city of Washington, and firms like Woodward & Lothrop and contractors in Washington pay more for clerk hire than the Government does in Washington. I have that information here. Of course the gentleman knows it is not fair to compare a salary in Washington with the salary paid in some little town of 300 or 400 inhabitants, where the people have their chickens and their pigs and their gardens and all that sort of thing. The conditions are not comparable.

Mr. NORTON. In these little towns to which you refer they work from 10 to 16 hours a day. Many of these country people are doing that. I want to say this to the gentleman, in reply to his statement as to salaries paid in Washington in private business and in the Government service: Did the gentleman ever have this thought occur to him that if all those employed in the Government service to-day were discharged and their positions were open it would not take very long to fill these positions from those employed in private business to-day in Washington? Everywhere you go here in Washington citizens of Washington are clamoring to get into the Government service. To anyone who has not acquired the Washington viewpoint the eagerness of men and women here to get into the Government service does not evidence that they can secure and are securing higher salaries in private employment.

The SPEAKER pro tempore. The time of the gentleman from North Dakota has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield six minutes to the gentleman from Oklahoma [Mr. HASTINGS].

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. HASTINGS] is recognized for six minutes.

Mr. HASTINGS. Mr. Speaker, I am heartily in favor of the motion of the gentleman from Texas [Mr. STEPHENS] to concur in Senate amendment No. 111, providing for an increase of salary of employees in the Indian Service, as follows:

That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

It provides an increase in the salaries of 15 per cent of those employees now receiving a salary of less than \$480 per annum and an increase of 10 per cent in the salaries of those receiving more than \$480 per annum and less than \$1,000 per annum.

If an opportunity is given to vote an increase in the salaries of those receiving more than \$1,000 and less than \$1,800 per annum I shall vote for a 10 per cent increase for them.

At present the only motion before us is to concur, and I therefore vote for that. I think conditions justify this increase. It is fair and moderate.

Mr. STEPHENS of Texas. I yield two minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, I believe the House should insist on the 10 and 5 per cent increases. There is a fundamental distinction between Government employment and private employment which should not be disregarded. The private employer has the wages which he pays determined not by any rule of ethics, not by the question whether it is right or wrong, not whether the wages paid is sufficient to maintain a decent standard of living. The private employer determines the wages primarily by the condition of the labor market. He has no compunctions about it. He never considers the question whether the wage is sufficient to enable a man to live the life of a man. In determining wages for Government employees you can not afford to be guided by the law of supply and demand. You can not afford to be governed by the conditions of the labor market, because after all the man who uses the expression "labor market" in the sense in which the potato market is referred to or the wheat market is referred to has the soul and the mind of a narrow, petty merchant, and is very little of a man.

There has been such a tremendous increase in the cost of living that it is almost impossible for the man of small means to exist. The man who gets \$1,000 or \$1,200 or \$1,800 a year feels this extraordinary increase in the cost of living just as sharply as the man at the very bottom of the social and economic ladder, just as sharply as the man who has become so accustomed to privation that it is a part of his existence. And because it is extremely difficult to measure with any degree of definiteness the agony and the suffering endured by the man who gets less than \$1,200 a year and the agony and suf-

fering endured by the man who gets less than \$1,800 a year, I believe both groups are entitled to an increase of wages, and that the House should persist in its opposition to the Senate amendment.

Mr. STEPHENS of Texas. I yield three minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, under the circumstances the fairest thing to do is to adopt the motion of the gentleman from Texas [Mr. STEPHENS], who is in charge of this bill, for a moderate increase to those low-priced employees of the Government. We can not make in the Government service any fair comparison with temporary conditions which may exist in some private employment at the present time. There are several reasons for that. In the first place, the wages in private employment have been so low, habitually so low, that an increase of 10 per cent in the average wage of private employees would not bring them up anywhere near to the average level of Government salaries. I think it goes without challenge, and has gone without challenge, that in many departments of the Government, particularly in Washington, wages have been adjusted at from 15 to 40 per cent higher than for similar service in any other employment.

There is another reason why we can not compare the conditions with private employment at this time. The Government service has the advantage of being continuous. Not only are the hours short, but Uncle Sam is an employer who never misses a pay roll, who never has slack times, who never has a strike, a lockout, or a boycott. None of the ordinary disabilities that affect the labor market elsewhere occur here in Washington or in the Government service. A man has his full year's work and his full lifetime work, if his record and service are good.

Take the ordinary skilled employee belonging to a first-class, high-grade labor union; take a structural steel worker, who gets \$5 a day when he works; his business is of a seasonal character, and if he works 200 days in the year at a gross income of \$1,000, he is having a good, prosperous year. In the bad years he does not earn so much, and the best year may amount to \$1,000 or \$1,200. The time lost in lockouts, strikes, boycotts, and unemployment, depression in business, sickness, and ill health he pays for out of his own pocket. The man here in Government employ has a steady job year in and year out at \$1,000 or \$1,200 or \$1,400, so that we are bound to increase only the lower-grade employees.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. STEPHENS of Texas. I ask for a vote.

The SPEAKER pro tempore. The gentleman from Missouri moves that the House recede from its disagreement to amendment 111 and agree to the same.

The question being taken, on a division (demanded by Mr. STEPHENS of Texas) there were—ayes 52, noes 80.

Mr. STEPHENS of Texas. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-three Members present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the motion that the House recede from its disagreement to Senate amendment 111 and agree to the same will, when the roll is called, answer "yea" and those opposed will answer "nay."

The question was taken; and there were—yeas 132, nays 215, answered "present" 2, not voting 84, as follows:

YEAS—132.

Abercrombie	Connelly	Heflin	Moss
Adair	Cox	Helm	Murray
Adamson	Cullop	Helvering	Nicholls, S. C.
Aiken	Decker	Hensley	Norton
Allen	Dent	Hilliard	Oldfield
Almon	Dickinson	Holland	Oliver
Ashbrook	Dies	Hood	Overmyer
Ayres	Dill	Houston	Padgett
Balley	Dixon	Howard	Page, N. C.
Barkley	Doolittle	Huddleston	Park
Barnhart	Doremus	Hughes	Quin
Bell	Doughton	Hull, Tenn.	Rainey
Black	Eagle	Jones	Raker
Blackmon	Edwards	Key, Ohio	Randall
Booher	Fields	Kincheloe	Rauch
Borland	Flood	King	Rayburn
Burgess	Gandy	Kitchin	Rouse
Byrnes, S. C.	Gard	Konop	Rubey
Byrnes, Tenn.	Garner	Lever	Rucker Ga.
Caldwell	Godwin, N. C.	Lewis	Russell, Mo.
Candler, Miss.	Gordon	Lloyd	Saunders
Caraway	Gray, Ala.	McClintic	Sears
Carter, Okla.	Gray, Ind.	Miller, Pa.	Shallenberger
Church	Hardy	Montague	Sherley
Cline	Hastings	Moon	Sherwood
Collier	Hayden	Morrison	Shouse

Sisson  
Slayden  
Small  
Steagall  
Stedman  
Steele, Iowa  
Steenerson

Stephens, Miss.  
Stephens, Nebr.  
Stephens, Tex.  
Sumners  
Taylor, Ark.  
Taylor, Colo.  
Thomas

Tillman  
Venable  
Winson  
Walker  
Watkins  
Watson, Va.  
Webb

Whaley  
Williams, W. E.  
Wilson, Fla.  
Wilson, La.  
Wingo  
Wise  
Young, Tex.

NAYS—215.

Alexander  
Anderson  
Anthony  
Aswell  
Austin  
Bacharach  
Beales  
Bowers  
Browne  
Brumbaugh  
Buchanan, Ill.  
Burke  
Burnett  
Butler  
Cannon  
Capstick  
Carlin  
Carter, Mass.  
Cary  
Charles  
Coady  
Cooper, Ohio  
Cooper, W. Va.  
Cooper, Wis.  
Copley  
Crago  
Cramton  
Crisp  
Crosser  
Curry  
Dale, Vt.  
Dallinger  
Danforth  
Darrow  
Davis, Minn.  
Davis, Tex.  
Dempsey  
Denison  
Dillon  
Dowell  
Driscoll  
Dunn  
Dupré  
Eagan  
Edmonds  
Ellsworth  
Elston  
Emerson  
Esch  
Evans  
Fairchild  
Farley  
Fess  
Focht

Fordney  
Foss  
Frear  
Freeman  
Fuller  
Gallagher  
Gallivan  
Gardner  
Garland  
Gillett  
Good  
Goodwin, Ark.  
Gould  
Gray, N. J.  
Green, Iowa  
Greene, Mass.  
Greene, Vt.  
Griffin  
Hadley  
Hamilton, N. Y.  
Hamlin  
Harrison, Va.  
Hart  
Haugen  
Hawley  
Hayes  
Heaton  
Helgesen  
Hernandez  
Hollingsworth  
Hopwood  
Howell  
Hull, Iowa  
Humphreys, Miss.  
Hutchinson  
Igoe  
Jacoway  
James  
Johnson, S. Dak.  
Johnson, Wash.  
Kahn  
Kearns  
Keating  
Kelster  
Kelley  
Kennedy, Iowa  
Kennedy, R. I.  
Kent  
Kettner  
Kiess, Pa.  
Kinkaid  
Kreider  
Lafean  
La Follette

Langley  
Lazaro  
Lee  
Lehlbach  
Lenroot  
Leshar  
Liebel  
Linthicum  
Littlepage  
London  
Longworth  
Loud  
McAndrews  
McArthur  
McDermott  
McGillcuddy  
McKellar  
McKenzie  
McKinley  
McLaughlin  
McLemore  
Madden  
Magee  
Mann  
Mapes  
Martin  
Mays  
Meeker  
Miller, Minn.  
Mondell  
Moore, Pa.  
Moore, Ind.  
Morgan, Okla.  
Morin  
Mott  
Neely  
Nelson  
Nichols, Mich.  
Nolan  
North  
Oakley  
Olney  
O'Shaunessy  
Paige, Mass.  
Parker, N. J.  
Parker, N. Y.  
Peters  
Phelan  
Platt  
Porter  
Powers  
Price  
Ramseyer  
Reavis

Reilly  
Ricketts  
Riordan  
Roberts, Mass.  
Roberts, Nev.  
Rodenberg  
Rogers  
Rowe  
Sanford  
Scott, Mich.  
Siegel  
Sims  
Sinnott  
Sloan  
Smith, Mich.  
Smith, Minn.  
Smith, Tex.  
Snell  
Snyder  
Stafford  
Steele, Pa.  
Sterling  
Stiness  
Stone  
Stout  
Sulloway  
Sutherland  
Sweet  
Swift  
Switzer  
Tague  
Tavener  
Temple  
Thompson  
Tilson  
Timberlake  
Tinkham  
Townner  
Treadway  
Van Dyke  
Volstead  
Walsh  
Ward  
Watson  
Watson, Pa.  
Wheeler  
Williams, T. S.  
Williams, Ohio  
Wilson, Ill.  
Wood, Ind.  
Woods, Iowa  
Woodyard  
Young, N. Dak.

ANSWERED "PRESENT"—2.

Browning Sparkman

NOT VOTING—84.

Barchfeld  
Benkes  
Benedict  
Bennet  
Britt  
Britten  
Bruckner  
Buchanan, Tex.  
Callaway  
Campbell  
Cantrill  
Carew  
Casey  
Chandler, N. Y.  
Chipperfield  
Clark, Fla.  
Coleman  
Conry  
Costello  
Dale, N. Y.  
Davenport

Dewalt  
Dooling  
Drukker  
Dyer  
Estopinal  
Farr  
Ferris  
Fitzgerald  
Flynn  
Foster  
Garrett  
Glass  
Glynn  
Graham  
Gregg  
Griest  
Guernsey  
Hamill  
Hamilton, Mich.  
Harrison, Miss.  
Haskell

Henry  
Hicks  
Hill  
Hinds  
Hubert  
Humphrey, Wash.  
Husted  
Johnson, Ky.  
Lieb  
Lindbergh  
Lobeck  
Loft  
McCracken  
McCulloch  
McFadden  
Maher  
Matthews  
Miller, Del.  
Mooney  
Morgan, La.  
Mudd

Oglesby  
Patten  
Pou  
Pratt  
Ragsdale  
Rowland  
Rucker, Mo.  
Russell, Ohio  
Sabath  
Schall  
Scott, Pa.  
Scully  
Sells  
Shackleford  
Slemp  
Smith, Idaho  
Smith, N. Y.  
Taggart  
Talbot  
Vare  
Winslow

So the motion to recede and concur in Senate amendment 111 was lost.

The Clerk announced the following pairs:

Until further notice:

Mr. BRUCKNER with Mr. COSTELLO.

Mr. PATTEN with Mr. BENNET.

Mr. SPARKMAN with Mr. MUDD.

Mr. FOSTER with Mr. CHIPPERFIELD.

Mr. FERRIS with Mr. GRAHAM.

Mr. EDWARDS with Mr. HILL.

Mr. GARRETT with Mr. McCULLOCH.

Mr. HARRISON of Mississippi with Mr. McFADDEN.

Mr. SHACKLEFORD with Mr. HAMILTON of Michigan.

Mr. SCULLY with Mr. ROWLAND.

Mr. GREGG with Mr. MOONEY.

Mr. BEAKES with Mr. DRUKKER.

Mr. FLYNN with Mr. HICKS.

Mr. FITZGERALD with Mr. CAMPBELL.

Mr. CANTRILL with Mr. BARCHFELD.  
 Mr. CALLAWAY with Mr. BENEDICT.  
 Mr. BUCHANAN of Texas with Mr. CHANDLER of New York.  
 Mr. CAREW with Mr. BRITT.  
 Mr. DALE of New York with Mr. GRIEST.  
 Mr. CONRY with Mr. DYER.  
 Mr. CASEY with Mr. BRITTEN.  
 Mr. CLARK of Florida with Mr. COLEMAN.  
 Mr. DAVENPORT with Mr. GLYNN.  
 Mr. DEWALT with Mr. GUERNSEY.  
 Mr. ESTOPINAL with Mr. HICKS.  
 Mr. GLASS with Mr. WINSLOW.  
 Mr. STEAGALL with Mr. HASKELL.  
 Mr. DOOLING with Mr. MCCRACKEN.  
 Mr. HAMILL with Mr. HUSTED.  
 Mr. SMITH of New York with Mr. VARE.  
 Mr. LOFT with Mr. SCOTT of Pennsylvania.  
 Mr. MAHER with Mr. PRATT.  
 Mr. SABATH with Mr. HUMPHREY of Washington.  
 Mr. HENRY with Mr. MATTHEWS.  
 Mr. HULBERT with Mr. MILLER of Delaware.  
 Mr. LOBECK with Mr. RUSSELL of Ohio.  
 Mr. POU with Mr. SLEMP.  
 Mr. RAGSDALE with Mr. SCHALL.  
 Mr. RUCKER of Missouri with Mr. SMITH of Idaho.  
 Mr. TAGGART with Mr. SELLS.  
 Until Monday, February 19:  
 Mr. TALBOTT with Mr. BROWNING.

The result of the vote was then announced as above recorded. A quorum being present, the doors were reopened.

Mr. GOOD. Mr. Speaker, I desire to offer a preferential amendment. I move to recede from the disagreement to Senate amendment 111 and concur in the same with an amendment striking out all of the language of the Senate amendment and inserting in lieu thereof the following, which I send to the desk.

The SPEAKER. The Clerk will report the amendment. The Clerk read as follows:

Mr. GOOD moves to amend Senate amendment 111 by striking out the same and inserting the following in lieu thereof:

"Sec. 27. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

Mr. GOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. MONDELL. Mr. Speaker, is a substitute to the amendment offered by the gentleman from Iowa in order?

The SPEAKER. Not after the previous question has been ordered.

Mr. HASTINGS. Mr. Speaker, we would like to have the amendment again reported; we did not hear the rate of increase.

Mr. MANN. Mr. Speaker, I ask for half a minute.

The SPEAKER. The gentleman from Illinois asks for half a minute. Is there objection?

There was no objection.

Mr. MANN. This proposed amendment is precisely the same as the provision which the House inserted in the legislative bill, in the Agricultural bill, and as an amendment to the District of Columbia bill.

Mr. COX. Does this only provide for one year?

Mr. MANN. It is precisely the same as that provision in the other bills.

The SPEAKER. The question is on agreeing to the motion made by the gentleman from Iowa [Mr. Good].

Mr. MANN. Upon that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 282, nays 60, answered "present" 3, not voting 88, as follows:

YEAS—282.

Abercrombie	Barnhart	Byrnes, S. C.	Collier
Adair	Reales	Byrns, Tenn.	Cooper, Ohio
Aiken	Blackmon	Caldwell	Cooper, W. Va.
Alexander	Booher	Capstick	Cooper, Wis.
Allen	Bowers	Carlin	Copley
Anderson	Browne	Carter, Mass.	Crago
Anthony	Brumbaugh	Carter, Okla.	Cramton
Ashbrook	Buchanan, Ill.	Cary	Crisp
Austin	Buchanan, Tex.	Charles	Crosser
Ayres	Burke	Church	Cullop
Bacharach	Burnett	Cline	Curry
Bailey	Butler	Coady	Dale, Vt.

Dallinger	Hawley	McKinley	Shallenberger
Danforth	Hayden	McLaughlin	Sherley
Darrow	Hayes	McLemore	Shouse
Davis, Minn.	Heaton	Madden	Siegel
Davis, Tex.	Helgesen	Magee	Sims
Dempsey	Helvering	Mann	Sinnott
Denison	Hernandez	Mapes	Slayden
Dent	Hilliard	Martin	Sloan
Dill	Holland	Mays	Smith, Mich.
Dillon	Hollingsworth	Meeker	Smith, Minn.
Dixon	Hopwood	Miller, Del.	Smith, N. Y.
Doolittle	Houston	Miller, Minn.	Smith, Tex.
Doughton	Howard	Miller, Pa.	Snell
Dowell	Howell	MondeLL	Snyder
Driscoll	Huddleston	Montague	Stafford
Dunn	Hull, Iowa	Moore, Pa.	Stedman
Dupré	Humphreys, Miss.	Moore, Ind.	Steele, Iowa
Eagan	Hutchinson	Morgan, Okla.	Steele, Pa.
Edmonds	Igoc	Morin	Stephens, Nebr.
Ellsworth	Jacoway	Moss	Sterling
Elston	James	Mott	Stiness
Emerson	Johnson, S. Dak.	Murray	Stone
Esch	Johnson, Wash.	Neely	Sulloway
Evans	Kahn	Nelson	Summers
Fairchild	Kearns	Nicholls, S. C.	Sutherland
Farley	Keating	Nichols, Mich.	Sweet
Fess	Keister	Nolan	Swift
Fitzgerald	Kelley	North	Switzer
Focht	Kennedy, Iowa	Oakey	Tague
Fordney	Kennedy, R. I.	Olney	Tavener
Foss	Kent	O'Shaunessy	Temple
Frear	Kettner	Overmyer	Thompson
Freeman	Kiess, Pa.	Paige, Mass.	Tilson
Fuller	King	Parker, N. J.	Timberlake
Gallagher	Kinkaid	Parker, N. Y.	Tinkham
Galhivan	Konop	Peters	Towner
Gandy	Kroider	Phelan	Trendway
Gard	Lafean	Platt	Van Dyke
Gardner	La Follette	Porter	Volstead
Gariand	Langley	Powers	Walker
Gillett	Lazaro	Price	Walsh
Glynn	Lee	Raker	Ward
Good	Lehlbach	Ramseyer	Wason
Goodwin, Ark.	Lenroot	Randall	Watkins
Gordon	Leshner	Rauch	Watson, Pa.
Gould	Lever	Reavis	Whaley
Gray, Ala.	Lieb	Kelly	Wheeler
Gray, N. J.	Linthicum	Itickets	Williams, T. S.
Green, Iowa	Littlepage	Klordan	Williams, W. E.
Greene, Mass.	Lloyd	Roberts, Mass.	Williams, Ohio.
Greene, Vt.	London	Roberts, Nev.	Wilson, Fla.
Griffin	Longworth	Rodenberg	Wilson, Ill.
Hadley	McAndrews	Rogers	Wilson, La.
Hamilton, N. Y.	McArthur	Rowe	Wingo
Hamlin	McChintie	Rubey	Woods, Iowa
Harrison, Va.	McCracken	Russell, Mo.	Woodyard
Hart	McDermott	Sanford	Young, N. Dak.
Hastings	McGillicuddy	Saunders	
Haugen	McKenzie	Scott, Mich.	

NAYS—60.

Adamson	Dickinson	Kincheloe	Sisson
Almon	Dies	McKellar	Small
Aswell	Eagle	Moon	Steagall
Barkley	Edwards	Morrison	Stephens, Miss.
Bell	Garner	Norton	Stephens, Tex.
Black	Glass	Oldfield	Taylor, Ark.
Borland	Godwin, N. C.	Oliver	Taylor, Colo.
Burgess	Gray, Ind.	Padgett	Thomas
Callaway	Hardy	Park	Tillman
Candler, Miss.	Hefflin	Quin	Venable
Caraway	Helm	Rainey	Vinson
Clark, Fla.	Hensley	Rayburn	Watson, Va.
Connelly	Hull, Tenn.	Rouse	Webb
Cox	Johnson, Ky.	Sears	Wise
Decker	Jones	Sherwood	Young, Tex.

ANSWERED "PRESENT"—3.

Browning Fields Page, N. C.

NOT VOTING—88.

Barchfeld	Drucker	Hughes	Pratt
Benkes	Dyer	Hulbert	Ragsdale
Benedict	Estopinal	Humphrey, Wash.	Rowland
Bennet	Farr	Husted	Rucker, Ga.
Britt	Ferris	Key, Ohio	Rucker, Mo.
Britten	Flood	Kitchin	Russell, Ohio
Brockner	Flynn	Lewis	Sabath
Campbell	Foster	Liebel	Schall
Cannon	Garrett	Lindbergh	Scott, Pa.
Cantrill	Graham	Lobeck	Scully
Carew	Gregg	Loft	Sells
Casey	Griest	Loud	Shackleford
Chandler, N. Y.	Guernsey	McCulloch	Slemp
Chiperfield	Hamill	McFadden	Smith, Idaho
Coleman	Hamilton, Mich.	Maher	Sparkman
Conry	Harrison, Miss.	Matthews	Steenerson
Costello	Haskell	Mooney	Stout
Dale, N. Y.	Henry	Morgan, La.	Taggart
Davenport	Hicks	Mudd	Talbott
Dewalt	Hill	Oglesby	Vare
Dooling	Hinds	Patten	Winslow
Doremus	Hood	Pou	Wood, Ind.

So the motion of Mr. Good was agreed to. The Clerk announced the following additional pairs:

Until further notice:

Mr. BARKLEY with Mr. CANNON.  
 Mr. DOOLING with Mr. CHANDLER of New York.  
 Mr. HULBERT with Mr. CAMPBELL.  
 Mr. DOREMUS with Mr. WINSLOW.  
 Mr. FLOOD with Mr. VARE.

Mr. HOOD with Mr. HASKELL.

Mr. KEY of Ohio with Mr. LOUD.

Mr. KITCHIN with Mr. STEENERSON.

Mr. LIEBEL with Mr. BENEDICT.

Mr. RUCKER of Georgia with Mr. FARR.

Mr. STOUT with Mr. WOOD of Indiana.

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a pair with the gentleman from Maryland [Mr. TALBOTT]. I wish to withdraw my vote of "yea" and be recorded "present."

The name of Mr. BROWNING was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House agree to the further conference asked by the Senate.

The motion was agreed to.

The Chair announced the following conferees: Mr. STEPHENS, of Texas, Mr. CARTER of Oklahoma, and Mr. NORTON.

#### ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20783) making appropriations for the support of the Army; and pending that motion I ask unanimous consent that general debate be limited to six hours, three hours to be controlled by the gentleman from California [Mr. KAHN] and three hours by myself.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, and pending the motion asks unanimous consent that general debate be limited to six hours, one half of that time to be controlled by the gentleman from California [Mr. KAHN] and the other half by the gentleman from Alabama. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, with Mr. SAUNDERS in the chair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, this bill carries an appropriation of something more than \$247,000,000. It is a little less by \$20,000,000 than the amount carried in the Army appropriation bill last year. It is something over \$70,000,000 less than the original and supplemental estimates furnished by the department. In making these remarkable decreases from the estimates the committee has not been unmindful of the fact that at the last session of the present Congress the national-defense act largely increased the appropriations for the Military Establishment. The committee, therefore, has seriously and carefully undertaken to provide for every feature contained in the new legislation enacted by this Congress at this last session, without imposing any unnecessary burdens upon the Public Treasury. I may say further that the Military Committee early in its hearings reached the conclusion unanimously that at least this was not an opportune time for any radical changes in the military policy of the country as established by this Congress only at its last session. The committee has not gone into the question of universal compulsory service, therefore, which has agitated the public mind in some quarters in the past few months. While the committee itself has taken no formal action upon the subject, there are members of the committee who regret that some officers high in authority have prejudged the national-defense act of last June, pronouncing it a failure in advance. It is to be exceedingly regretted that officers high in authority, who hold their commissions under the law created by Congress, and who receive their compensation from the Congress, should have been willing in advance to pronounce the action of this Congress a failure without giving this legislation a fair and an impartial trial. Certain it is that whatever may be the merits of the legislation adopted by Congress at its last session for the national defense, that legislation must necessarily prove a failure if administered by hostile or unfriendly hands. [Applause.]

I mention this, Mr. Chairman, not in particular criticism of any officer of the Army of the United States, but I think that it is due to the Committee on Military Affairs of the House that this statement should be made to the Congress, for such facts have developed in the hearings before our committee.

But to return specifically, Mr. Chairman, to the bill. There has been some criticism in some quarters that this bill is too small; that we have not legislated in such a manner as to properly take care of the Military Establishment. That criti-

cism naturally followed by reason of the fact that this committee has found a way to largely reduce the estimates made by the War Department. Take, for instance, the question of pay of the Army. The committee reduced the estimates for pay of the Army by something over \$15,000,000. Now, let us see just for illustration how the committee arrived at its figures upon that subject. The committee very carefully ascertained from the Quartermaster General's Department what the per capita cost of the Army was. We took the figures given by that department itself as to the per capita cost of the Army, as to the pay of the Army, as to the subsistence of the Army, as to the regular supplies of the Army, as to transportation of the Army, as to clothing and equipage of the Army, and what did we find? We found that the pay of the average enlisted man of the Army is \$227 a year, \$237 a year when given extra pay for superior marksmanship and the like; whereas when you consider the entire enlisted strength of the Army of all departments, the line and staff, Quartermaster Department, the Medical Corps, and the line of Army, it averages \$267. What then did the committee find? It found that the War Department was estimating upon that per capita basis for an Army of practically 170,000 officers and men.

We then investigated the present and past conditions in order to ascertain the size of the Army we really ought to appropriate for. We found that the largest Regular Army that this country has ever had was on the 31st day, I think, or the 30th, of last October, when they had 92,000 enlisted men of the line and 112,000 of enlisted men and staff corps combined, so that the largest total of the Army of all the various branches of the Regular Establishment was 112,000 men. We found another thing in making the investigation, because we saw no reason for making an appropriation for an Army of 170,000 men when the War Department had no prospect of getting it. We recalled that about a year ago this Congress adopted a joint resolution increasing the strength of the Army from 100,000, the strength under the old statute prior to the national-defense act, by 20,000, increasing it to an Army of 120,000 men. That resolution was adopted under pressure here in Congress. The resolution was passed when the situation in Mexico was acute; and yet, although that resolution has been on the statute books for nearly 12 months, the Army has failed to fill its ranks up to the number authorized by the resolution by something like 6,000 men. So that this committee felt, with the past experience of the Army and with the present conditions confronting us, we would be very liberal indeed if we appropriated for the increase of 20,000 men of the line over the 92,000, the highest number we have ever had, and then allow 20,000 for the staff corps, making something like 132,000, thus giving a margin of something like 3,000. We then estimated for an Army of 135,000 men, a very liberal estimate, and that is how we reached the conclusion by which we reduced the amount by \$15,000,000. [Applause.]

Now, I repeat, we have pursued the same process, the same method of calculation, when we came to appropriate for the subsistence of the Army, because we had the per capita cost and we had agreed on substantially the number of men we should appropriate for. The same reasoning and the same rate was applied with reference to the regular supplies, incidental expenses, transportation, clothing, and equipage. This committee, when it came to the subject of barracks and quarters, water, sewers, and hospitals for the Army, have been, we think, exceedingly liberal in giving the department a fair proportion of the estimates which were called for. We have provided liberally for civilian instruction on rifle ranges. We have provided abundantly for civilian training camps. We have appropriated freely for vocational training in the Army. All of these things provided for by the national-defense act have been taken care of by this committee, I repeat, in such a manner as to give to the War Department freely and ungrudgingly all that they needed to carry out the purpose of the act adopted last June. When it came to the subject of aviation we appropriated \$9,000,000, and when there is added the \$4,800,000 which the Fortifications Committee appropriated for hydroplanes for coast defense, there has been allowed nearly \$14,000,000 for that service. It must be remembered also that it has only been a few months since the last appropriation bill of August 29 authorized \$13,000,000. We feel we have been exceedingly liberal in this branch of the service. Of course, as suggested, that does not include what is carried in the naval appropriation bill for similar purposes. We have appropriated \$3,000,000 for the Regular Establishment and \$2,500,000 for the National Guard for the purchase of automatic machine guns.

Now, there has been a controversy on the floor of this House, in the committee, and in the War Department as to the character of guns that should be purchased and used in the Army.

Our committee reached the conclusion that that was purely an administrative matter, and even if we had the authority we could not fairly undertake to pass upon the character of automatic machine guns which should be used in the Army. But we have given to the department an appropriation which will enable them during the next year to add a supply of something over 2,000 automatic machine guns to the Army, even conceding the purchase of the highest priced guns that are on the market; whereas if we purchased some guns of higher price and some of lower price, then they will be able, perhaps, to add to their supply something like 4,000 additional guns.

Mr. TILSON. Will the gentleman yield?

Mr. DENT. I will.

Mr. TILSON. Will the gentleman explain in regard to the type of machine gun and the reason why the department would probably not appropriate all of the money for the more expensive, which is a heavier type of machine gun?

Mr. DENT. Well, in response to the suggestion of my colleague on the committee, as I recall the testimony before the committee, the department is still investigating the different types of gun, and they propose to try out several different types, and the board is to meet, I believe, in May to make some final tests on the subject.

Mr. TILSON. That is especially true as to light guns. They have already arrived at a conclusion which they think is satisfactory in regard to the heavy gun, namely, the Vickers gun, but as to the lighter type of gun, which is just as necessary, they have not arrived at any conclusion.

Mr. DENT. That is true, as I understand.

We have also provided, Mr. Chairman, an appropriation of something like \$600,000 for armored motor cars, which the committee thinks is ample for the purpose. Then we have placed in this bill for the first time in any Army appropriation bill—

Mr. KAHN. Will the gentleman indulge me just a moment on the motor-car proposition?

Mr. DENT. I will.

Mr. KAHN. Does not the testimony before the committee disclose the fact that the Bureau of Ordnance has only experimented with two motor cars up to the present time?

Mr. DENT. That is very true. They have experimented with only two, and they have found one, I believe, to be too heavy and the other to be too light.

Mr. STAFFORD. Will the gentleman yield?

Mr. DENT. I will.

Mr. STAFFORD. Will the gentleman inform the committee to what extent they have experimented with motorcycles?

Mr. DENT. I do not know that I can answer the gentleman definitely as to what extent, but they have experimented with motorcycles down on the border to a considerable extent, as testified to before the committee.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. The purpose of the bureau is to buy quite a number of armed motorcycles with a side car.

Mr. DENT. That is the idea.

Mr. KAHN. I think something like three or four hundred of those.

Mr. DENT. I have forgotten the number, but they purpose to purchase a number of those with side attachment.

Mr. STAFFORD. Does the gentleman recall the testimony, if there was any, as to whether the motorcycle with the side van is successful or whether those without were more preferable or vice versa?

Mr. DENT. I do not recall whether there was any contrast between the two, but they said the one with the side attachment had proven very successful.

Mr. STAFFORD. I was under the impression that the one without was more serviceable than the one with the side van in use on the Mexican border.

Mr. DENT. I do not know that there was any contrast between the two.

Mr. KAHN. If the gentleman will yield, the intent of the bureau is to buy 230 motorcycles at \$1,000 each; 690 with side-car attachment, at \$500 each; and 115 with side-car attachment, at \$450 each.

Mr. DENT. Now, Mr. Chairman, I believe I stated—and if I did not, I intended to do so—that while we have largely reduced the estimates submitted to the Committee on Military Affairs in all essentials, this committee has not been at all parsimonious.

Mr. MCKENZIE. Will the gentleman yield?

Mr. DENT. I will.

Mr. MCKENZIE. I simply wished to suggest to the chairman that I think it would be well, while he is explaining the bill, if he would mention the different details in the law; that is, the

new legislation that will be offered either by amendment or that is now contained in the bill.

Mr. DENT. You mean the new legislation that is incorporated in the bill?

Mr. MCKENZIE. Yes.

Mr. DENT. I will get to that in the latter part of the bill. I will refer to that as soon as I finish the details. I am very much obliged to the gentleman for his suggestion.

For instance, Mr. Chairman, on the subject of supplying field artillery and ammunition for field artillery for the National Guard the department asks us originally for \$10,600,000, and this committee allowed \$10,000,000 for each one of those items in the bill. So I might go on and enumerate the different substantial and essential things that we have appropriated for and that are taken care of in order to effectuate the purposes of the national defense that was enacted at the last session of Congress.

Mr. LONGWORTH. Will the gentleman yield?

Mr. DENT. I will.

Mr. LONGWORTH. I do not know that I understood the exact number that the gentleman stated we were now short in enlisted men of the full amount that was allowed under the national-defense act.

Mr. DENT. I do not know whether I understand the gentleman to mean under the first or the second increment.

Mr. LONGWORTH. The gentleman made a general statement under which I understood him to say that there were about 6,000 short.

Mr. DENT. I will state to the gentleman that my statement in that connection was made relative to the joint resolution that we passed here about a year ago—I think some time last March—increasing the enlisted strength of the Army from 100,000, which it was then under the law, to 120,000, and we were 6,000 short. We got only about 14,000 men under that call for the additional 20,000.

Mr. LONGWORTH. We are now about 6,000 short?

Mr. DENT. Short of that; but we are very short of the increments authorized under the national-defense act.

Mr. LONGWORTH. Let me ask the gentleman to state the exact number. How many enlisted men are authorized in the Army to-day?

Mr. DENT. They are estimating for about 134,000 for the first increment and about 170,000 for the second.

Mr. LONGWORTH. And how many have we actually in the service?

Mr. DENT. We have in the enlisted strength, the highest the committee has been able to find, 92,000. That is the latest report The Adjutant General gives us.

Mr. GARDNER. Will the gentleman yield there?

Mr. DENT. I will.

Mr. GARDNER. Has not the gentleman confused the enlisted strength of the line with the total enlisted strength? I have the exact figures here, if the gentleman will allow me to state them.

Mr. DENT. I am perfectly willing to have the gentleman state them if I have not stated them correctly.

Mr. GARDNER. The authorized strength of the Army up to July, 1917, is 133,166 men, but that includes enlisted men of all sorts. We had in the Army on December 31 last 109,959 enlisted men of all sorts. In the enlisted strength of the line—that is, the fighting force—we had on December 31 last approximately 84,771, while the total authorized strength of enlisted men of the line for the fiscal year ending June 30, 1917, is 100,083. So we are short 15,000 enlisted men of the line. But we are short 23,000 enlisted men, altogether. I think when the gentleman gave his first figure he gave the number of enlisted men of the line. When he gave his second figure he referred to the entire enlisted force.

Mr. DENT. That is the fact. The figures I gave were based on the report given in October from The Adjutant General.

Mr. GARDNER. This information bears the date of February 2, 1917.

Mr. LONGWORTH. Mr. Chairman, can the gentleman state how enlistments are going?

Mr. DENT. Gen. McCain states to the committee that they were getting 2,000 a month.

Mr. LONGWORTH. Is that a net gain?

Mr. DENT. That is a net gain, because the Secretary has suspended the operation of the law allowing a man after he had served three years to go into the reserve on account of the Mexican situation.

Mr. DILL. Mr. Chairman, will the gentleman yield for a question?

Mr. DENT. Yes.

Mr. DILL. Can the gentleman give us any information as to the National Guard status under the law of last year? That is,

have the National Guard of the different States supplied their quota? Are they enlisted up to the requirements?

Mr. DENT. Well, it is very difficult for me to answer that question except in a general way. The National Guard had a strength at one time in mobilization camps and on the border of something like 144,000 officers and men, and as I recall the national-defense act under the second increment provided for the increase of the National Guard the total strength next year will be something like 160,000.

Mr. DILL. Do you know what it is supposed to be for this year?

Mr. DENT. That is what I am talking about.

Mr. DILL. I mean for the past year.

Mr. DENT. It is enlisted up to its full strength this year; absolutely, and even more than its full strength.

Now, Mr. Chairman, without going into further details, I may state in a general way, having mentioned the National Guard, that the committee has made liberal appropriations for carrying out the national-defense act, so far as the exception of the National Guard features are concerned, with the end in view that the National Guard should have a fair opportunity to be thoroughly tried out, in order to determine whether it was to be a success or a failure. This bill, of course, was written for times of peace. It is not a war measure. It does not go into operation and effect until the 1st day of July next. Therefore it is intended solely to carry on the Military Establishment in times of peace and not in times of war.

We have incorporated some additional legislation in this bill, mainly of minor importance. It may be only fair that at this point I should call attention to the fact that the committee did adopt a proviso that the increase in the officers of the Army provided for in the national-defense act in five annual increments should not take place except as to one-fourth of those officers until the enlisted force in the Army would require the officers. We think this is a wise provision in the law. In other words, we are 1,700 men short in second lieutenants, and do not propose and do not think it is fair that under the national-defense act on the 1st of July each year for the five years therein provided for you should promote the first lieutenants and captains and majors and colonels until you would have three colonels for one regiment and several captains for a company that have not men. We have offered it for the purpose of providing that promotions shall not be made until the enlisted strength keeps some pace with the increase of officers.

There is another feature of this bill that has created a great deal of comment, and I think it is perhaps the most important general feature of the legislation that we have incorporated in the bill, and that is the amendment relating to the assignment of the number of staff officers to duty in the District of Columbia. The law passed last June provides that the number of those officers shall be limited to 55. It further provides that not more than one-half of those 55 shall at any time be assigned to duty within the District of Columbia.

The Secretary of War spoke to me and wrote me a letter on the subject, in which he did state that perhaps we had better increase the number. I stated in the personal interview that I had with the Secretary that I thought it would be a mistake to undertake to radically change that provision at the present session of Congress, and I made the suggestion to him that I was going to submit to the committee a proposition authorizing the President of the United States to suspend that provision of the act during war, actual or threatened, or during any similar public calamity. The committee unanimously agreed to that provision, and, in my humble judgment, it will accomplish everything that is necessary in case of any emergency. Under it the President can bring the whole 55 officers of the General Staff here to Washington if he needs them, whereas if we had adopted the suggestion of the General Staff and increased it to 92 and left the law to read as it was written he could bring only 46.

Now, there are some other minor provisions in the bill relating to legislation that I do not deem it necessary at this time to call attention to.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. SMITH of New York. I would like to ask if the committee took up the question of providing for compulsory training and compulsory service?

Mr. DENT. The committee did not. I stated at the outset of my remarks, I will say to the gentleman, that the committee early in its hearings came to the conclusion that we would not suggest any material or radical changes in the legislation provided at the last session, and therefore we did not go into that,

Mr. KAHN. Mr. Chairman, will the gentleman allow me to amplify his statement?

Mr. DENT. I will.

Mr. KAHN. During the hearings, when Gen. Scott, Chief of Staff, was before the committee, he was asked whether the General Staff of the Army had prepared a universal training bill. He said they had not completed it. He was asked whether it would be possible to complete it in the near future, so that it might be introduced. He said he thought he could get it ready in about 30 days. He has not sent it to the committee as yet, although it was fully six weeks ago when he agreed to have it before the committee in 30 days.

Mr. SMITH of New York. I understand that the General Staff are in favor of compulsory training.

Mr. DENT. Yes; they are, if Gen. Scott has a right to speak for them.

Mr. SMITH of New York. Let me ask this further question: Suppose we should have a serious emergency at the present time and require a great number of men—a million or two million men—how would they be raised under present conditions?

Mr. DENT. They would be raised, of course, first, by increasing to war strength the Regular Army; second, by increasing to war strength the National Guard; and, third, by calling for volunteers. And I want to state to the gentleman in that connection that Congress in the last few years—I believe it was in April, 1915—passed a volunteer officers' bill that was reported to the Congress by the Military Committee of the House. That law is now on the statute books, and provides all the machinery necessary for a volunteer army in the event that Congress declares war; so that all the Congress would have to do would be to declare war and provide the means, the machinery for the President to execute the volunteer bill being already provided.

Mr. KAHN. The national defense act in such an emergency would also permit the President to call immediately to the colors all of the increments.

Mr. SMITH of New York. Did the committee take up the question of raising the pay of the enlisted men?

Mr. DENT. They did not.

Mr. SANFORD. One question to complete that thought. Then is it the policy of the committee—are we forced to the policy practically that if we had an emergency and had to raise a million or two million men we would have to rely for our defense, for the bulk of our Army, practically on untrained men, this measure, of course, being, as the chairman of the Committee on Military Affairs has said and as his predecessor, Mr. Hay, said, I think truthfully, only a peace program? For a war program we rely on untrained men practically wholly, do we not?

Mr. DENT. It depends altogether on what the gentleman means by "practically." Of course, we have a large number of men, practically small compared to an army of 10,000,000 men—

Mr. SANFORD. We have in our Regular Army for home defense—that is, in the United States—surely not more than 40,000 men.

Mr. GORDON. Oh, yes; we have more.

Mr. SANFORD. The gentleman would not call that an army for any modern purpose.

Mr. DENT. We have more than 40,000.

Mr. SANFORD. Not more than 42,000.

Mr. DENT. I think 60,000.

Mr. SANFORD. I think the gentleman is in error as to that. I think if we had our full increment under the national defense act we would have only 50,000.

Mr. DENT. Be that as it may, suppose we should change the policy now, and we should be precipitated into a war right away. Certainly whatever policy we change would not get into operation in time to accomplish any good.

Mr. SANFORD. If we changed it immediately, would we not have the advantage of beginning to train now instead of beginning to train after some emergency arose, at least a few months' advantage?

Mr. DENT. We would have that advantage, if we are not getting it now under the legislation adopted.

Mr. SANFORD. I realize that we are not.

Mr. GREENE of Vermont. Of course the gentleman from New York [Mr. SANFORD] will recall that in every war in which this country has been engaged, and in the war now in Europe, after a few months the Regular Military Establishment, so to speak—that is, the normal peace military establishment precipitated into that war—has practically been wiped out, and all the rest of the war conducted by what were raw levies of volunteer troops only a few months before. That was the story of the Civil War, and the story of all the great wars of the country.

Mr. SANFORD. May I ask just one question? The gentleman does not mean to say that is the modern condition? I will admit that England's Army, which was very much like ours, was wiped out in a few days.

Mr. GREENE of Vermont. That is what I said.

Mr. SANFORD. But was there any army except England's that was in a condition similar to ours?

Mr. GREENE of Vermont. I think the old regular army of France has pretty well disappeared.

Mr. SANFORD. France had had training for years and years.

Mr. GREENE of Vermont. I am not talking about the system. I am heartily in favor of the gentleman's idea as to the system, but I was referring to present conditions.

Mr. SANFORD. The gentleman is making it clear that we are practically in the same condition that we were a century ago.

Mr. GREENE of Vermont. I do not think there is any question about it.

Mr. DENT. That depends altogether on whether the act passed in the last session is going to accomplish some good. Most of us believe it has not had a fair trial.

Now, I believe in a general way I have covered this subject, and I reserve the balance of my time.

Mr. EMERSON. Did the committee consider at all the advisability of furnishing arms to and training the students in the higher schools and colleges of the country?

Mr. DENT. I really neglected to mention that. There are so many items in this bill, I did not cover them all. The national-defense act provides for a Reserve Officers' Training Corps, and the War Department asked us for an appropriation of something over \$3,000,000—

Mr. KAHN. Four million dollars.

Mr. DENT. Practically \$4,000,000, and we gave them every cent they asked for that purpose and for ordnance supplies.

Mr. McKELLAR. We appropriated the money to secure the training of 50,000 men in that Officers' Reserve Corps this year, and I will say to the gentleman from New York [Mr. SANFORD] that we have appropriated money for the training of 158,000 of the National Guard. We have appropriated money in another committee for 26,000 young men in the agricultural schools. We have appropriated money in this bill for the training of 50,000 men in the civilian training camps, and, together with the Officers' Reserve Corps, with the National Guard, and those that are trained in the Regular Army, we are training in the neighborhood of 300,000 men in this country to-day under this bill. It is not proposed under compulsory service to train over 400,000, and all we need do is to go on with what we are doing.

Mr. BRITTEN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. BRITTEN. What military training do the young men get who attend the agricultural schools provided for in the Agricultural bill that the gentleman from Tennessee speaks of?

Mr. DENT. That is prescribed by the department, but they must have at least two years.

Mr. BRITTEN. Of military training?

Mr. DENT. Certainly.

Mr. McKELLAR. The War Department requires them to have so much training.

Mr. KAHN. And they are trained by officers of the Regular Army detailed by the War Department for that purpose.

Mr. BRITTEN. How much time per week is given to military training?

Mr. McKELLAR. I do not know that.

Mr. DENT. That is a matter of regulation by the War Department.

Mr. EMERSON. Has the gentleman any figures as to how many men would be trained if all the students of the high schools of the country were furnished arms and equipment?

Mr. DENT. And an officer to train them?

Mr. EMERSON. Yes.

Mr. DENT. I could not give the gentleman the figures, because, as a matter of fact, the War Department, informs us that they have received applications so fast that they have been unable, as the legislation is new, to carry it into operation.

Mr. McKELLAR. They have estimated for \$50,000 for the young men and boys to be trained in schools, academies, and colleges or universities.

Mr. DENT. The gentleman asked how many there would be if all were trained.

Mr. GREENE of Vermont. The gentleman's question was confined to students in the high schools.

Mr. EMERSON. But I meant in colleges.

Mr. GREENE of Vermont. But the gentleman did not include colleges in his question. The training of the high-school boys

would not add much to a serviceable army in time of war, because the ages of the high-school boys are from 13 to 17 or 18.

Mr. EMERSON. If we took them at the ages they served in the Civil War, at least half of them in the high school would be available.

Mr. KAHN. I might say for the benefit of the gentleman that there are approximately 900,000 boys every year who attain the age of 19 years and about 600,000 who attend the high-schools.

Mr. DENT. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. KAHN. Mr. Chairman, I yield 40 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, when Congress, on March 17, 1916, authorized the President to recruit the Regular Army up to its maximum strength there were in the Army 75,830 enlisted men of the line. On December 31, 1916, there were 84,771 enlisted men of the line. In other words, in a period of over nine months we had gained only 9,000 enlisted men of the line. By the terms of the national-defense act in the present fiscal year, which ends next June, we should properly have 100,083 enlisted men of the line. The second increment of officers and men under the national-defense act will be due in the next fiscal year. We are now appropriating the money to pay the bills. With the second increment added, we are supposed to have in the Regular Army about 120,000 enlisted men of the line; but, as a matter of fact, we are not getting recruits quickly enough to give us anywhere near so many.

It is true that we have been getting recruits more quickly than we have been losing men from the ranks by death, discharge, or otherwise. We must not, however, overlook the fact that to a serious extent this is the result of the device which the War Department has adopted of holding men in the service who under ordinary circumstances would be furloughed to the reserve.

In December—and December and January are about the best enlistment months, I am told—there were 4,372 men enlisted for all branches of the service. Four thousand recruits per month was about the average for the year before last. I think there were about 48,000 enlistments in that year, but that number was exceptionally high.

Mr. SMITH of New York. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. SMITH of New York. I would like to ask whether the gentleman knows how many men have been retained beyond the period of contract of service.

Mr. GARDNER. The last I heard, they are all being retained beyond the period of what they thought was their contract of service. Last summer there were called back into the service from the reserve a little less than 3,500 men. By Christmas time, I think, about 3,000 had reported for duty.

Mr. SMITH of New York. I wanted to get at the exact status of the matter.

Mr. BRITTEN. Does the gentleman say that 4,000 were included in the reenlistment?

Mr. GARDNER. In December, 1916, 4,372 was the total number of enlistments in all branches of the service; that is to say, in the line, Hospital Corps, Quartermaster's Corps, and—

Mr. BRITTEN. What percentage was the first enlistment?

Mr. GARDNER. I can not tell the gentleman. Now, Mr. Chairman, just before election in November there came back to my district from the border three batteries of Field Artillery and three companies of Infantry of the Massachusetts National Guard. We politicians received them with open arms, as you might guess. We had receptions for each one of these batteries and companies. I made six speeches or, to be more accurate, I made the same speech six times, and on each occasion I tried the audience out to see what it thought about compulsory military training. Invariably the response was most enthusiastic and the applause was the most hearty which any of my remarks elicited.

Mr. EMERSON. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. EMERSON. What was the class of audience that the gentleman had?

Mr. GARDNER. It was composed of enlisted men of the National Guard, of course, and of their uncles, their sisters, their cousins, and their aunts. Of course, there were a few officers and city or town officials. It was a one-sided audience, I admit. I questioned about every returning soldier and officer whom I met. I found that most of them were enthusiastic about the quality of their border training, but here and there I met some National Guard general or other high officer who was convinced that the Regular Army did not know its business. So I went down to the border to find out all I could on my own hook. I went beyond the border. I went down into Mexico.

The Secretary of War was good enough to give me an escort, so I went down to Colonia Dublan to see Gen. Pershing's force of Regulars.

I went down to the border and into Mexico for two purposes. One of my objects was to find out why young men do not more readily enlist in the Regular Army. My other object was to find out the true relation between the National Guard and the Regular Army from the point of view of the junior officers and the enlisted men of the National Guard. I first took up the question of the relation between Regulars and Guardsmen. Before I began I consulted Gen. Bell, who commanded the district of El Paso. I found that on October 7, 1916, an order had been issued by Gen. Funston to all the regular officers who were serving with the National Guard as inspector-instructors or otherwise, directing them to report upon the merits and defects of the National Guard system. That order had been followed by a letter of instruction to the effect that mere criticism was not wanted, but that constructive suggestions were desired. I read over 50 of the reports which were received in reply to that circular order from Gen. Funston. Almost without exception those replies were unfavorable to the National Guard system and its results. I was perfectly well aware that when the mobilization reports were published, and when these other reports were published—and, by the way, so far as I know, these reports have never been published—I knew that at once there would be people saying—as indeed they have been saying—that the Regular Army is trying to destroy the National Guard—

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. SHALLENBERGER. I understand the gentleman to say that the report of these officers has never been published?

Mr. GARDNER. The inspector-instructors' reports have never been published.

Mr. SHALLENBERGER. There is a long report—

Mr. GARDNER. The gentleman is referring to Col. Brown's report, is he not?

Mr. SHALLENBERGER. Yes.

Mr. GARDNER. That is the mobilization report. These reports of which I am speaking were made in response to an order of the Department of the South issued on October 7, 1916. I think they have never been published, and, if the gentleman considers the date on which the mobilization report was made, he will see that in the nature of things these reports could not then have been ready for publication.

I knew perfectly well that Regular Army officers were human, that naturally they might have some feeling, being human, because of the amount of praise bestowed on the National Guard and the paucity of praise which we politicians bestow on the Regular Army. I noticed that in some few instances the reports were petulant in tone. But many of those officers I knew personally. Some of them I had worked with. I knew that they honestly meant to report the plain truth. The unanimity of these reports would have struck anyone who was prepared to look at the question with an open mind. I therefore went to Gen. Bell and I said, "General, those reports are going to make a lot of trouble." I told him that there was one thing which I should like to have him do for me. I said, "I know what the generalissimos of the National Guard think of the Regular Army, but I want to know what the enlisted men of the National Guard think of the Regular Army." I got in touch with the Young Men's Christian Association down there. I had interviews with the enlisted men of the National Guard, and I came to the conclusion that their opinion of the Regular Army was entirely different from that of the generalissimos. So I said to Gen. Bell, "I am going to ask you to send out a series of questions to the first sergeants of the National Guard, because the first sergeant, an enlisted man himself, is the buffer between the enlisted man and the commissioned officer." I asked the general whether he would send out to every first sergeant in his command a list of questions which I would prepare. At first he demurred. He said that it was very irregular, that the questions ought to go through the officers. Furthermore, I said, "I wish that those replies might come back to you direct, without passing through the hands of a series of officers." Finally, Gen. Bell said, "I must send out those questions to officers as well as to enlisted men." So he sent them out to all his colonels and to all his captains and to all his first sergeants, with instructions that none of the individuals to whom the questions were sent should consult with anyone else, officer or enlisted man, but should answer in an official envelope mailed direct to the general. There were at that time 16 regiments of National Guardsmen in Gen. Bell's command. There were also 4 independent battalions of Field Artillery or squadrons of Cavalry, making 20 different com-

mands with 20 different commanding officers. There were 296 company commanders and 296 first sergeants, making, in all, 612 officers and enlisted men to whom this list of questions was sent. Gen. Bell received 572 replies.

Here are the questions and answers:

No. 1. Question. Would the instruction of the National Guard proceed more rapidly if more Regular officers and noncommissioned officers were detailed for service with the National Guard?

Answer. Yes: Colonels, 18; captains, 190; first sergeants, 180; total yes, 388. No: Colonels, none; captains, 41; first sergeants, 53; total noes, 94. Conditional: Colonels, 2; captains, 50; first sergeants, 38; total conditional, 90.

NOTE.—The noes were qualified in about half of the replies by the statement that there were "already enough," meaning that one Regular officer and three Regular noncommissioned officers, as at present detailed for the instruction of each regiment, were ample.

No. 2. Question. Are the officers and enlisted men of the National Guard desirous of the instruction from the officers and noncommissioned officers of the Regular Army? If not, what is the reason?

Answer. Yes: Colonels, 16; captains, 217; first sergeants, 205; total yes, 438. No: Colonels, none; captains, 12; first sergeants, 30; total noes, 42. Conditional: colonels, 4; captains, 49; first sergeants, 17; total conditional, 70.

No. 3. Question. Can you suggest any way in which the officers and men of the Regular Army can cooperate more fully with the National Guard in the development of a citizen army?

Answer. The answers to this question may be roughly classified as follows: More cooperation by friendly intercourse and a closer relationship, 122. More careful selection of Regular Army instructors, 28. More instruction from Regular Army, particularly at home stations, 83. Sundry suggestions, 50.

NOTE.—Over 70 replies to question No. 3 desired one Regular officer with each regiment or separate battalion and one noncommissioned officer with each company, instead of only three for the whole regiment.

No. 4. Question. Have you formed any opinion on the question of universal military training? If so, what are your ideas?

Answer. In favor: Colonels, 16; captains, 250; first sergeants, 234; total yes, 500. Against: Colonels, 1; captains, 5; first sergeants, 4; total noes, 10.

No. 5. Any additional remarks you may have to make bearing on the above.

Many of these remarks are most valuable. They will be made a subject of special study at Gen. Bell's headquarters.

Now, some may think perhaps that this classification of the replies is one-sided, but at all events it was intended to be absolutely fair. This classification was made up by Capt. Pratt, one of the finest and most conscientious young officers in the service.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. GARDNER. I will.

Mr. SHALLENBERGER. When the gentleman refers to compulsory military training, does the gentleman mean that a man shall be trained with the option left with him whether he shall serve his country when needed?

Mr. GARDNER. Yes; it has always been my idea that the training is really a privilege granted by the Government to each individual. It is in the line of democracy. As to compulsory service in time of war I might agree to that in order to get compulsory military training, but hitherto my inclination has been in favor of voluntary service in time of war. When I was a boy an inspiration came to me from the fact that the veterans I saw around me had voluntarily and not under compulsion offered their services to the country.

Mr. SHALLENBERGER. The gentleman understands a compulsory measure has been proposed by the General Staff and a bill has been introduced in the Senate which not only requires training but compulsory service in time of war?

Mr. GARDNER. I understand that. I shall vote for that bill.

Mr. GORDON. Which one?

Mr. GARDNER. I shall vote for any bill which will compel our young men to get ready to defend their country. I prefer the General Staff bill, if that is what the gentleman meant. I have discussed this matter a good deal in the last two years. Hitherto I have taken the ground that if it looked to me at the outbreak of war as though we could not get a sufficient number of our compulsorily trained young men to volunteer their services, then I should cheerfully vote for conscription; but I preferred not to do so unless it was necessary. However, there is one strong argument in favor of compulsory service in time of war which ought to receive pretty thorough examination. In order to get quick mobilization you must have equipment ready and

transportation arranged for. The individuals to be equipped and transported must know exactly where their own equipment and transportation is to be found. This circumstance would seem to make it imperative that the authorities should know beforehand the names of the individuals whom they could depend upon. Otherwise mobilization must be delayed. But under a volunteer system individuals can not be enrolled long beforehand in the organizations in which they are to serve in war time. The authorities must know beforehand that Jones and Brown and Gardner are going to serve in time of war in order that Jones and Brown and Gardner may have their tickets to their uniforms and equipment and a knowledge of where to report for transportation.

Mr. SHALLENBERGER. The reason I asked the gentleman that question was because I tried to ascertain from all the authorities who appeared before the Committee on Military Affairs whether there is anything to show that a man who is trained as a soldier, say one who has had such training as the gentleman, myself, and others—whether that training resulted in his responding to the call of his country when he is needed, or whether a compulsory military training inspires a man to respond very quickly. There has been so much talk about universal military training and universal military service I would like to have the gentleman explain upon what he bases his remarks.

Mr. GARDNER. Out of the Civil War draft we finally secured 46,347 men for service, besides substitutes for 73,607 more, in all 119,954 men. Of course, Great Britain has raised the greater part of her army under the voluntary system, and perhaps I might be a little sorry that she did not raise all of it in that way.

There is a feeling abroad that it is not fair for you to take my job while I am doing my duty as a soldier in time of war. Advocates of compulsory service, in time of war, argue that it is wrong that I should risk my life for your protection while you make no sacrifice. I admit the unfairness; but, speaking for myself, I should rather have it so. I should rather fight voluntarily and suffer the unfairness rather than feel that I was fighting because I was compelled to do so.

Mr. SHALLENBERGER. Does the gentleman think there is anything in the experience of either to show that they would have gotten more soldiers if they had been trained men?

Mr. GARDNER. The British would not have been so much food for cannon if they could have gotten their trained men sooner and put them in the line earlier.

Mr. SHALLENBERGER. Does not the gentleman think that if a man has been marching and tramping around in the mud he is not quite so apt to respond to the call?

Mr. GARDNER. But when he does respond, he is trained.

Mr. KAHN. Both the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Nebraska [Mr. SHALLENBERGER] speak of the General Staff universal training bill. Have either of the gentlemen seen it?

Mr. SHALLENBERGER. The gentleman misunderstood me. I said the plan that is advocated and the bill that has been introduced by Senator CHAMBERLAIN.

Mr. GARDNER. I think that Senator CHAMBERLAIN'S bill is based on Capt. Moseley's bill. The ideas of the General Staff are fairly well known. I suppose that they will be incorporated in a bill.

Mr. SHALLENBERGER. It is a matter of record in the hearings that Gen. Scott does not believe in any other kind of compulsory military service than that which compels the soldier to go when he is called.

Mr. MCKELLAR. The gentleman stated that the British soldiers would have been less food for cannon in the event they had been trained. Has the gentleman got any figures that there have been more British soldiers killed in this war than French soldiers or German soldiers?

Mr. GARDNER. I suppose that not nearly so many British soldiers have been killed. But my point is that until they have had a year's training the British soldiers have not been put in the trenches except when immediate military necessity has absolutely required it. The plan, as I understand it, is that recruits shall be sent for six months at least to the training camps in Great Britain, and then be transported to France. In the last part of the preparatory training period I think that the new officers, without their men, are sent as supernumeraries to the front line of trenches. Many young British officers have been killed before they were ever in a fight—at least so I have been told.

Mr. MCKELLAR. My question is, under this compulsory plan in England, have more of the English soldiers been killed than French soldiers or German soldiers?

Mr. GARDNER. I suppose not in actual numbers. I know nothing about the percentages of loss in the different armies.

Mr. SHERLEY. Is not this the important thing, that as the result of their not being trained England was not able for nearly a year to put anything like the number of men she needed to do the work?

Mr. GARDNER. Precisely; and when she first sent her new lines to the trenches I understand that it required 10 men for her to maintain the same front which 3 completely trained men could have held.

Mr. MCKELLAR. How does the English Army compare to-day with the Armies of Germany and France? One is voluntary and the other is involuntary.

Mr. GARDNER. The English Army is not voluntary at the present moment.

Mr. SHALLENBERGER. Will the gentleman tell us how they compare with the soldiers from Canada and Australia, who are voluntary soldiers?

Mr. GARDNER. I know nothing about the Australian soldiers, but I know a little about the Canadians. I went to the Canadian camp at Valcartier twice last summer and I heard a good deal of talk. I think they are doing remarkably well. I do not think that Canadians who have had a year's training are showing any substantially different results from British soldiers who have had a year's training. But now, you see, gentlemen, I mean one thing by military training and the gentleman from Tennessee [Mr. MCKELLAR] means something entirely different. By military training I mean largely discipline, the yielding of a young man's mind to somebody else. As for this marching up and down in line, I have seen a marching line of young ladies on the stage who would have made Stonewall Jackson's line look as crooked as a ram's horn. These young ladies were splendidly drilled, but they had no discipline. That sort of thing is not military training. That is "hay foot, straw foot." That is the kind of military training you get in your agricultural schools. It is only military drill and it amounts to mighty little. I was chairman of the committee on military affairs in the Massachusetts Legislature.

We have a State agricultural school in Massachusetts, and I used to go up there in my official capacity as chairman. The drill of the students was in charge of a Regular Army officer. They could drill to beat the band; they could execute movements beautiful enough to make your mouth water, but the moment they got their tunics off they were not soldiers trained to obey. That is one of the things which takes time—learning obedience. If you choose to put it that way, it is the breaking of a man's will in the sense that Ulysses S. Grant's will or Robert E. Lee's will was broken at West Point.

Mr. GORDON. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. GORDON. Neither of the gentlemen just named, Gen. Grant or Gen. Lee, were ever subjected to compulsory military service.

Mr. GARDNER. No; but they were subjected to West Point training for four years, and that beats anything else in the world.

Mr. GORDON. Will the gentleman yield further?

Mr. GARDNER. I will.

Mr. GORDON. You are the first intelligent man I have ever known who has undertaken to distinguish between compulsory service and universal military training.

Mr. GARDNER. Last year, in a colloquy with the gentleman from Virginia, Mr. Hay, I tried to explain the distinction.

Mr. GORDON. What did you say?

Mr. GARDNER. I will find it for you. The colloquy appears on page 4491 of the CONGRESSIONAL RECORD for March 20, 1916. Now, Mr. Chairman, how much of my time have I exhausted?

The CHAIRMAN. The gentleman has used 26 minutes.

Mr. GARDNER. I want to discuss this failure of our young men to enlist in the Regular Army. I want to tell you how I arrived at my ideas—good, bad, or indifferent—on this subject. In the first place, I talked to a great many enlisted men of the National Guard whom I met at home and in the Young Men's Christian Associations on the border. Then, at Fort Bliss I got hold of Chaplain Axton, a chaplain of the Regular Army, and I said, "I want to be put in touch with some noncommissioned officers who have been on recruiting duty. I want to talk with the men who have actually stood on the cold street corners and tried to persuade young men to go into the Regular Army while the Industrial Workers of the World had a sentinel stationed near by trying to get those same young men to stay out of the Regular Army. I have already talked with the commissioned officers who do the office work. I want to talk to the men who actually do the recruiting, and I want to talk to them without their knowing beforehand what I am going to talk to them about."

So the chaplain arranged for me to see a group of the men without their having a chance previously to consult together. I think there were five in the first group I met, all noncoms except one private. All of them had been on recruiting duty. Next I went down to Colonia Dublan, and I asked for a similar opportunity down there. At Colonia Dublan I saw noncoms and privates who had been on recruiting duty. Altogether at El Paso and in Mexico I saw 11 noncoms and privates, and they represented five different organizations. With those 11 men I went as rapidly and as thoroughly as I could into the question of why young men do not enlist in the Regular Army.

They all agreed upon one thing, and that was that the two principal reasons why young men do not enlist are, first, because we do not pay them enough, and, second, because there is too long a contract of service. Young men do not care to mortgage their future so many years ahead. The 11 men with whom I talked did not all agree as to which of these two reasons carries the more weight, but 10 out of the 11 expressed the opinion that the principal cause for the difficulty in getting recruits arises from the fact that we do not pay men enough, and that the second principal cause is the long period of enlistment, or contract of service as it is called. One man out of the eleven felt that the principal cause was the long contract of service and that the second cause was the low pay.

Now, mind you, all these men who were talking to me had been engaged in recruiting at the time when it was supposed that a recruit when he enlisted would serve three years actively with the Regular Army. It was supposed that his fourth year would be served with the colors or with the reserve, as he might choose. The fifth, sixth, and seventh years it was supposed that he would serve solely in the reserve. Unfortunately, the reservists last summer were all called back for active service and that has made a great deal of ill feeling.

Mr. LINDBERGH. Did the gentleman hear anything referring to the mess?

Mr. GARDNER. No; the quality of the food is excellent and the regular cooks are good. There was at first some trouble of the sort in some of the National Guard messes, but that was all straightened out as soon as the cooks had a little experience.

I have given you the evidence of 11 men. I tried honestly to get those men to tell me things which I did not want to hear, just exactly as if I were trying to find out the real political situation in a ward in my district. When I want to know the facts, I do not go into a ward and say, "Everything is going all right, is it not?" If I put the question that way, I should always get the answer, "Sure, Congressman." Probably I might say something like this, "I understand that there is a whole lot of Wilson talk here in this ward." If everything was right, some one would say, "Well, Congressman, I have not heard it." If things were wrong, some one would say, "Well, of course, there are some of the unthinking ones who are talking that way, but they will come around all right by election time." [Laughter.] The only way to get information by asking questions is to lead off with the wrong foot, so to speak. Ask your question as if you wanted to get the answer which you really do not want to get.

I said to these 11 enlisted men, "Tell me all about this caste business between officers and men. When you get down to it, is not there a social snobbishness in these officers that galls the life out of the enlisted men?" Invariably I got the answer, "Oh, no; that is only talk." And, honestly, it surprised me to find them so unanimous on that point. Another reason for nonenlistments, according to my informants, is the amount of heavy nonmilitary manual labor required. They said, for instance, that many of the duties to be performed at Jefferson Barracks, near the city of St. Louis, were not duties which should be required of a soldier. I talked to a noncom who had been having a joint debate about every day with an I. W. W. sentinel—outside the recruiting office in St. Louis. The noncom described how he would tell some young fellow for whom he was angling all about the advantages of being a soldier at \$15 a month, with clothing, board, lodging, and medicine thrown in. Perhaps the would-be recruit would say, "Well, that does not seem to be very fine." Then the recruiting noncom would say, "Look at your chance for promotion. Think of it; you might go to West Point in a year and become a commissioned officer." A young man who could scarcely do much more than read and write might not think that was much of an inducement. But perhaps after a while the fish would begin to show signs of taking the bait. By and by an I. W. W. man would get hold of him and say, "Don't you go believing what that soldier is telling you. Do you suppose they mean to make a soldier out of a fellow like you? Not on your life. What they want you for is to do grading out around Jefferson Barracks."

It was quite clear to me that the prospect of this heavy civilian duty is a deterrent to enlistment, even if only to a small degree.

I think this seven-year enlistment period is entirely wrong. A young man of 21 is not anxious to mortgage his existence until he is 28 years old, even if four years of his service is to be passed in the reserve. This year's experience shows that reservists are quite likely to be called back to active service, in many cases to the very great detriment of their family affairs. For the Infantry I should be willing to cut down the term of enlistment to a single year, with perhaps a short service in the reserves. I have not, however, looked into the question as to whether it is practicable to have different periods of enlistment in the different arms of the service.

Mr. BORLAND. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. BORLAND. Does the gentleman think there ought not to be any civilian labor of enlisted men?

Mr. GARDNER. That depends on its nature. Of course, they have got to dig trenches in warfare. There is a good deal of labor by enlisted men that could perfectly well be cut out.

Mr. BORLAND. Under modern conditions of warfare there is a great deal of trench digging and other construction work, is there not?

Mr. GARDNER. I understand; and to the extent that civilian labor is valuable military training it ought to continue, but to the extent that it is merely an economy for Uncle Sam, I am inclined to think that it ought to be stopped.

Mr. BORLAND. That is what I want to get at. Does the gentleman think there is any real evil in compelling soldiers to do what civilian labor they can do around their own barracks and quarters?

Mr. GARDNER. It depends on the nature of the work. Such work as I understand has been done at some of the posts I believe to be a real evil, because it discourages men from enlisting. Mind you, imagination plays a great part in this business of soldiering. Unemployment plays a greater part, of course.

Mr. BORLAND. I am anxious to get the gentleman's idea.

Mr. GARDNER. Here is my idea: The field from which we draw our enlisted men to-day is largely made up of these elements: First, there are the adventurous young men who want to see the world's wheels go round. That is quite a big proportion. Then there are young men who come from the country to the city, expecting to find good jobs on every bush. When they do not find good jobs some take poor jobs and some enlist because they can not find any jobs at all. I think that young men out of work constitute the greatest percentage of our recruits. Then there is a third element, composed of men who, though not out of a job, are tired to death of their own particular job; for instance, a bricklayer who is tired of laying bricks and wants a change. A fourth class is made up of what is known as "snowbirds," men who enlist in cold weather, with every intention of deserting when spring comes. That class is small. The largest class comprises men whose necessities compel them to take \$15 a month and all found, because they do not know where to look for better pay. The second largest class comprises the adventurers. I believe that the adventurous class would be larger if it were not for this heavy civilian labor.

Mr. BORLAND. Does the gentleman think we will ever have a really large, efficient Army composed of these snowbirds or other classes he speaks of?

Mr. GARDNER. No; but if we fix a base pay of \$25 a month for privates and have high pay for first sergeants and other noncoms, in my opinion we can raise a really large, efficient Army. If we had a high rate of pay—call it \$75 a month, if you choose, and all found—for first sergeants and other noncoms of high standing, the bill would not be very large; but it would give the recruit a much more attractive picture to look at. A first sergeancy is within any man's power of attainment; but a commission is out of the reach of everyone who has not received a fairly good education. Most recruits realize perfectly well that they never can attain a commission. So the fact that many men rise to commissions from the ranks is no special inducement to enlist, if the man who is considering that step is aware that his education is deficient. On the other hand, high pay for the best noncommissioned places could not fail to please a recruit, even if his education had been neglected. Everyone knows that many an uneducated man makes a prime first sergeant.

Mr. BORLAND. And yet the gentleman would exclude them from doing what they can do, to wit, the civilian labor around the barracks and quarters?

Mr. GARDNER. I should, with limitations.

Mr. BORLAND. Let us take this concrete example: We are being compelled now, under the enlargement of the Army, to enlarge most of the Army posts.

Mr. GARDNER. Yes.  
 Mr. BORLAND. That involves the expansion of quarters and the building of roads, and a great many other things of that kind around Army posts. Now, does the gentleman think none of that labor should be done by the enlisted men under present conditions?

Mr. GARDNER. As little as possible.  
 Mr. BORLAND. I can hardly say that I agree to that.  
 Mr. MCKENZIE. Does the gentleman believe in the Army as a place for vocational training?

Mr. GARDNER. Except on special lines, I am against it, as the Army is now constituted. I am possibly in favor of it in connection with compulsory universal training of the citizen; but even then, if it is adopted, I should want the training period extended far beyond anything now contemplated. For the regular soldier I believe in intensive training. I doubt whether he would care for it, however, at \$15 per month. He has not been getting enough training, and neither have our young line officers, in my opinion. You could get a great deal more intensive training if you had a shorter period of enlistment.

EXHIBIT A.  
 WAR DEPARTMENT,  
 THE ADJUTANT GENERAL'S OFFICE,  
 Washington, January 26, 1917.

Hon. A. P. GARDNER,  
 House of Representatives.

MY DEAR MR. GARDNER: Referring to your letter of the 14th instant, in which you request to be furnished with certain information relative to the enlisted strength of the Army, I have the honor to advise you as follows:

1. The actual enlisted strength of the entire Regular Army on December 31, 1916, based on the best data now obtainable, is approximately 199,959, not including 5,549 enlisted men of the Philippine Scouts.

2. The statutory authorized enlisted strength of the entire Regular Army upon the passage of the joint resolution of March 17, 1916, was 126,956 men, which did not include the then authorized enlisted strength of 5,733 Philippine Scouts.

3 (a). The authorized enlisted strength of the entire Army for the fiscal year ending June 30, 1917, under the provisions of the national-defense act, is 133,133 men, not including the enlisted strength, 5,733, of the Philippine Scouts.

(b). The total number of enlisted men of the entire Regular Army for whom pay is provided for the fiscal year ending June 30, 1917, under the appropriation bill, is 115,200, which number does not include the enlisted strength of the Philippine Scouts, 5,733 men.

Very respectfully,

H. P. McCAIN,  
 The Adjutant General.

EXHIBIT B.  
 WAR DEPARTMENT,  
 THE ADJUTANT GENERAL'S OFFICE,  
 Washington, January 26, 1917.

Hon. A. P. GARDNER,  
 House of Representatives.

MY DEAR MR. GARDNER: Referring to your letter of the 13th instant, in which you request to be furnished with certain information relative to the enlisted strength of the Regular Army, I have the honor to advise you as follows:

1. The actual enlisted strength of the line of the Regular Army on December 31, 1916, based on the best data now obtainable, was approximately 84,771 men.

2. The statutory authorized enlisted strength of the line of the Regular Army as provided by the joint resolution of March 17, 1916, was 103,294 men.

3 (a). The authorized enlisted strength of the line of the Regular Army for the fiscal year ending June 30, 1917, as provided by the national-defense act approved June 3, 1916 (first increment included), is 100,083 men.

The figures above given include the strength of the organizations of the line, viz, Infantry, Cavalry, Engineers, and Coast and Field Artillery; but do not include the strength of the miscellaneous organizations composed of men detached from the line, viz, guards at disciplinary barracks, disciplinary companies, recruit companies, school detachments, and unassigned recruits. Under the joint resolution of March 17, 1916, the total number of recruits authorized was 5 per cent of the total authorized enlisted strength of the line, while under the national-defense act it is 7 per cent.

(b). The total number of enlisted men of the line of the Regular Army for whom pay is provided for the fiscal year ending June 30, 1917, under the appropriation bill is 96,424. Included in this number are the men belonging to the miscellaneous organizations (guards at disciplinary barracks, disciplinary companies, recruit companies, unassigned recruits, and school detachments) composed of men detached from the line, but, as before stated, not included in the strength of the line given above.

Very respectfully,

H. P. McCAIN,  
 The Adjutant General.

EXHIBIT C.

	Men.
Total enlisted strength of Regular Army (excluding Philippine Scouts):	
On June 30, 1914 (Rept. of Adjutant General U. S. A., 1914)	87,781
On Dec. 31, 1916 (letter of Adjutant General, U. S. A., to A. P. GARDNER, M. C., Jan. 26, 1917; see Exhibit A above)	109,959
Increase in Regular Army since European war broke out, showing result of preparedness movement.	22,178

EXHIBIT D.  
 WAR DEPARTMENT,  
 THE ADJUTANT GENERAL'S OFFICE,  
 Washington, December 4, 1915.

Hon. A. P. GARDNER,  
 House of Representatives.

SIR: In further response to your letter of the 27th ultimo, in which you request to be furnished with any information which would indicate the numbers of northern and southern soldiers who received pecuniary inducements to enlist, either in the form of national bounties, State bounties, or substitute money, and of the number of men who were drafted to serve as soldiers, the number who responded to the draft, and the number who furnished substitutes, I am directed by the Secretary of War to submit for your information the following statement:

SOLDIERS OF THE UNITED STATES ARMY—NATIONAL BOUNTIES.

In an estimate of the number of men to whom United States bounty has been paid from May 3, 1861, to the end of the war, printed in the final report of the Provost Marshal General (Ex. Doc. No. 1, House of Representatives, 39th Cong., 1st sess., vol. 4), the total number of such men is given as 1,722,690 and the total amount of bounty paid to them as \$300,223,500.

STATE AND LOCAL BOUNTIES.

This department has no data regarding State and local bounties prior to 1863. Such information as the department has been able to obtain from the State and local authorities on the subject is contained in the Official Records of the Union and Confederate Armies, series 111, volume 5, pages 740-749.

DRAFTED MEN AND SUBSTITUTES.

The records show that the number of men drafted from the States and Territories during the Civil War under the enrollment act of March 3, 1863, was 716,829, and that this number is accounted for as follows:

Failed to report	161,244
Discharged, quota full	46,101
Discharged by order	47,297
Exempted	315,509
Furnished substitutes	73,607
Paid commutation	86,724
Held to service	46,347

It appears from the above table that 73,607 substitutes were furnished by persons drafted in the Civil War, but no data are in the possession of the department showing the amounts paid to these substitutes.

SOLDIERS OF THE CONFEDERATE STATES ARMY.

Such information as is in the possession of the department in regard to bounties paid to Confederate soldiers has been published in the Official Records of the Union and Confederate Armies, series 4, volume 1, pages 825-827, 903, 944, and 1096; volume 2, page 205; volume 3, pages 184 and 1000. From what is there shown it appears that a bounty of \$50 was provided for in an act of the Confederate Congress, approved December 11, 1861, and that in another act approved February 17, 1864, it was provided that at the expiration of six months from April 1, 1864, a bounty of \$100 in 6 per cent Confederate Government bonds was to be paid to every enlisted man then in service, or, in case of his death previous to such payment, to his legal heirs.

The publications hereinbefore referred to are no doubt readily accessible to you in the Library of Congress.

Very respectfully,

HENRY P. McCAIN,  
 The Adjutant General.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I reserve the balance of my time.

Mr. SHALLENBERGER. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. Chairman, I am a sincere believer in peace. I am in no sense a militarist. At the same time I am not what is commonly called a pacifist. I believe in preparedness, but I believe in a safe and sane preparedness along lines of common sense, and not that kind of preparedness that comes from fear or military hysteria.

At this time, when apparently we are on the very verge of war, I believe that we should all exercise the greatest conservatism in speech and action, for war is a serious thing, and our country should avoid it if given any honorable way to avoid it. For that reason I am not going to talk on the war situation except to say that I heartily indorse the action of the President in the submarine controversy with Germany, and I stand ready to uphold him and our country all along the line, in peace if we can, and in war if we must. There should be no hesitation and no faltering. We should all be simply unqualified, undiluted, and unterrified Americans. As much as I abhor war, there is but one thing worse, and that is the loss of our national self-respect.

America has a unique position in the world. It is peculiarly situated and has tremendous natural advantages in the way of defense over any European nation, or any eastern nation. Our situation means that if we now or ever hereafter get into a war with any first-class power that it will be a war on the seas. Our Navy must be removed from the seas entirely before we will ever have any use for a land force. We might have 10,000,000 men thoroughly trained and under arms in this country, but we could not move them to any other continent unless we had control of the seas; and I mean by this, unless we had removed all our enemy's ships from the seas.

Under these circumstances, what is our manifest duty on the subject of preparedness? Surely it is not that we should keep a tremendous standing Army on hand at all times at an incalculable cost, which Army we may nor we may not need, and

which we could only use in any event after our Navy had been swept from the seas. Under these circumstances, in my judgment, it is our manifest duty to build up and maintain the greatest Navy in the world. There are a number of reasons why this should be done. Among these are the following:

First. We have built the Panama Canal, and we are obliged to protect it.

Second. We have a great number of island possessions, many of them several thousand miles from our borders, and whether it is a good policy to keep them or not, we are keeping them, and as long as we do keep them it is our duty to protect them.

Third. We have innumerable coast cities of the greatest wealth and large populations, which cities can best be protected by a Navy.

Fourth. The Monroe doctrine is a part of our unwritten Constitution. It is to the best interest of our Nation that this doctrine be upheld and maintained. We would be powerless to uphold and maintain the Monroe doctrine unless we had a great Navy.

Fifth. We have recently authorized the building of a great merchant marine for the purpose of building up our foreign trade. Our private merchant marine has grown up to large proportions recently, and there is no reason why we can not resume our rightful position as ocean carriers; but in order to do so we will be obliged to have a great Navy to protect our merchantmen wherever they go and our citizens wherever they trade.

Sixth. We are now committed to the doctrine of upholding the freedom of the seas.

These reasons are so manifest that it is hard to see how they can be refuted.

Now, what is the condition of our present Navy? I am not an expert in these matters. I understand that at present we do not stand greater than third, Great Britain and Germany both coming ahead of us. However, last year we authorized 157 new war vessels, and I am informed that when the program of last year is completed our Navy will easily be second. After this war is over England, struggling under the greatest national indebtedness she has ever had, and Germany almost, if not wholly, in a condition of bankruptcy, will be unable to go forward with their naval program as heretofore.

On the other hand, the United States is vastly richer than ever before, and she can keep up her present appropriations for our Navy for a generation if she so desires to do. There is no reason why we may not in the near future continue our building program until we have the largest Navy afloat, and, in my judgment, for the reasons above stated, it is our best and cheapest protection, and we should make it first at the earliest practicable moment. [Applause.]

#### TO DISCUSS CONSCRIPTION.

But, Mr. Chairman, it is my purpose to-day to discuss only one phase of preparedness, and that is, Should the United States adopt a policy of universal conscripted military service in times of peace?

In approaching this subject I do so with some degree of diffidence in that I am not a professional military man. However, I am not without military training. For four years I was a cadet at a State military institution. For two years I served in the National Guard, and during my service in the House, now more than five years, I have been on the Military Affairs Committee, and in that capacity, taken in connection with my early military training, I feel I have learned something about the military affairs of our country, though in no sense do I claim to be an expert.

#### CONSCRIPTION PROPAGANDA BORN OF THIS WAR.

Before the beginning of the present European war there were few men in this country, in the Army or out of it, who would hazard the opinion that the United States ought to adopt in times of peace a military conscription program. I use the word "conscription," for that is the real meaning of universal compulsory military training or service. We should not be misled by the use of words.

Since that war began the militarists have been constantly carrying on a propaganda for it, and many newspapers and other periodicals, and other citizens, and especially those from our large coast cities, have given wide publication to these views, and frequently hearty indorsements to them.

In view of our history as a Republic, our Constitution and laws, the wars that we have waged, our protected geographical position, the wonderful adaptability of our people to meet all crises, the predominant belief of our people in personal liberty, our abhorrence of monarchy and militarism, our lack of incentive to wage wars of conquest, and over and above all, our jealous desire to preserve the integrity of our free institutions—it is inconceivable to me how anyone inside or outside of the

Army, even under the stress of great military excitement, such as now exists in the United States and in most of the great nations of the world, could be apprehensive enough or unwise enough to desire to establish in our country a system of military conscription in times of peace. Conscription in times of peace is the dividing line between vassalage and freedom, between monarchy and free government, between autocracy and democracy, between the divine right of kings to govern others and the divine right of men to rule themselves. Wherever we find compulsory military service in times of peace we find castes and classes, we find centralized government in the hands of a few, we find either tyranny or revolution. In other words, we find everything that every true and patriotic American must abhor with all his soul, with all his mind, and with all his might, and with all his heart.

#### WHAT DOES COMPULSORY MILITARY SERVICE MEAN?

Compulsory military service means conscription pure and simple. Some militarists of more or less prominence say we should have an Army of at least 3,000,000 men, but preferably eight or nine millions, a portion with the colors and the other portion in reserve; but all ready to be mobilized at a moment's notice. Whom are we imitating if we adopt this plan? We are imitating Russia, Germany, Italy, Austria, Spain, France, and Japan. What are we doing when we agree to imitate them? We are saying that when our forefathers in 1776 and 1789 established a free government in this country they were mistaken; that when they brushed aside all examples of European Governments and started out on a theory that all men were born free and equal and have a right to govern themselves, they were mistaken; and that after 140 years of trial we must forsooth admit our Government has been a failure, and agree to go back to the autocratic and despotic governments of Europe for our guidance and say to them that we have been wrong for 140 years; that we now acknowledge it; and that we are going into a contest with you to see if we can not build up a greater military autocracy than you have ever done.

The militarists are not satisfied with anything less, so they say, than to have seasoned veterans equal to any seasoned veterans of any European nation that may be sent against us in any possible war. Why, Mr. Chairman, if we were to adopt this plan and create an Army in this country of 10,000,000, or even 3,000,000, men in times of peace, it would not be 25 years before this country would be ruled by the most despotic and autocratic militarism that any nation has seen in the history of the world. Even now, with a little Army of a little over 100,000 men, the militarists are seeking to take away the powers of Congress, they are disregarding the mandates of Congress. They are declaring that Congress is not capable of dealing with military subjects. They are losing sight of the first principle of military training—obedience to superior authority. Some of these gentlemen, and I am glad to say for the sake of our country they are few, are openly avowing the incompetency of Congress to deal with the military system of this country. They are openly in rebellion to the higher constituted authority of Congress. They treat with contempt the mandates of Congress, and surely, if they are willing to do this when they have an Army of only 135,000 men, what must the plain people of this country expect when those men, or men who believe as they do, have control of an Army of 8,000,000 men, or even 3,000,000 men?

#### THE FORMER AND PRESENT CONTENTIONS OF THE MILITARISTS.

The militarists of this country before the outbreak of the European war were always claiming that a large standing army was an insurance against war and an assurance of peace. They were constantly citing the great military establishments of Germany, France, and Russia as being the most effective insurance against war. Of course, we all now know that these great military establishments instead of being an insurance against war were the causes of the greatest war that has ever been known among the children of men. If Germany had never had her great military establishment to back her she never would have declared war against France and Russia. If Russia had never had her great military establishment she would never have mobilized her forces on the German border. What has been the result of these military policies? Why, for example, if Germany should survive, or even if she were to gain all the territory there was in Europe, she would still be loser by reason of the loss of 3,000,000 of her young men, the loss of property, and the loss of her resources especially. Germany can not regain in 200 years what she has lost by this war, which, I believe, is the very result of her intolerable and inhumane system of militarism. The Savior of mankind once said:

For what profiteth a man if he shall gain the whole world and lose his own soul?

In the loss of 3,000,000 of her young men she has indeed already lost her soul. The same arguments apply with equal force, but in a lesser degree to the other nations of Europe having relatively large standing armies.

So that, confronted with the obvious facts, our militaristic friends can no longer point to Germany, France, Austria, and Russia as the nations whose example we ought to follow in building up a great standing army to insure us against war. God forbid that this Nation, this great free Nation of ours, shall ever follow in the footsteps of European militarism. [Applause.]

#### THEIR PRESENT CONTENTION.

Their present contention is that while we should not follow the example of Germany and France and other militaristic Governments, yet, because at the end of the present European war our country will be the richest country in the world, as it already is, that it would be easy enough for a great nation like the German, with a great standing army, trained and seasoned, to send that army over here and take our country. I for one have no such fears. If Germany is able to retain her own integrity at the close of this war she will have done well. Her Government and her people will be more in debt than the people of any country ever before. They would be certainly unable, financially, to conduct a war for several generations, and the idea of our building up a great standing army in times of peace by means of conscription to prevent such an attack seems to be a far-fetched and visionary policy indeed.

However, in order to carry out their present views, there are some people in this country who believe, and perhaps very honestly believe, that it is our duty to have conscription in times of peace and create a great centralized standing army thereby. They no longer point to Germany and France as furnishing the systems they would copy, but in order to more easily accomplish their purpose they have sugar-coated the provision by changing the term "conscription in times of peace" to "universal military service," and changing the term "military autocracy" to "democratic obligation of all persons to serve their country."

They at first told us we should copy the Swiss system of compulsory military service, but upon examination they found that that system was not just what they wanted, and then they veered off to the Australian system of conscription, which was just put into force in 1909 or 1910, and has never been tried. Recently, however, their ardor for the Australian system seems to have cooled, and the latest pronouncement was that our militaristic friends have concluded that we should adopt the military system of Argentina in South America! Is not it marvelous that we red-blooded Americans, that we fighting Americans of this great Republic—of this dominating Republic, of this greatest and strongest of all nations—should be called upon to follow in the military footsteps of a South American republic that has in effect neither army nor navy, and who but a short time ago emerged from the despair of revolution! If these suggestions did not come from such high sources, I should not even refer to them, but coming as they do I want to take them up. I have given them all some study, and I will take them up in their order.

#### THE SWISS MILITARY SYSTEM.

Our militaristic friends in talking about universal conscription formerly invariably suggested the Swiss military system of conscription as the one that we should pattern after. In doing this these gentlemen put themselves in one of two attitudes: Either they did not know what the Swiss military system was or they were not dealing frankly with the American Congress or the American people. There is not one of these gentlemen who would want our country to pattern after such a system as the Swiss system. The Swiss system is precisely the system these gentlemen do not want. They claim that they want a democratic system—one that where there is equality of service, and all are treated alike—rich men and poor men share the common lot. Class distinctions based on wealth or inheritance are for a time abolished, sharing the common service shoulder to shoulder, and so forth. But when they came to look into the Swiss system they found that it was too democratic, because the Swiss system not only conscripts the enlisted men without pay, but it conscripts the noncommissioned officers and commissioned officers without pay in times of peace.

Of course, if the militarists want absolute equality of burden and service, they can not complain if the Government conscripts officers as well as the men.

I do not think that the Swiss system is suitable to our conditions or to our country. I do not believe that their system of conscription of officers is right, nor do I believe that their system of conscription of enlisted men is right. The officers of our Army ought to be paid and the men when they are employed

by the Government ought to be paid. And that is not all; you can depend upon it that they will be paid, whether they are brought into the Army by conscription or as volunteers. This Government will never take the services of its citizens without paying for those services. We might as well look that fact squarely in the face; and whenever we talk about raising an immense standing Army in times of peace by conscription without pay we are talking about a condition that will never exist in this country, and should never exist.

#### COST OF CONSCRIPTION.

If the country is to have this immense standing army that the militarists would force upon us by universal conscription, then it must be ready to pay the price of that army, and we can depend upon it that the price will never be less than it is at present—about \$1,000 a year for each average soldier. If we have an army of 3,000,000 men drafted into the service under a conscript military law it will cost us \$3,000,000,000 per year, and if we have 10,000,000 men it will cost us \$10,000,000,000 a year, a sum so fabulous that it would take all the earnings of the people excused from Army service to pay for such a system. But, they say, if you do not pay the conscripts the cost will be lessened. It would be lessened by one-sixth. Without pay an army of 3,000,000 would cost \$2,500,000,000.

#### THE BEGINNING AND DEVELOPMENT OF THE SWISS SYSTEM.

But I was talking about the Swiss system. Switzerland is a little country, not much larger than one of our States—

Mr. QUIN. It is not much bigger than one county, is it?

Mr. McKELLAR (continuing). And not as large as some of them, exceedingly mountainous, having only about 3,000,000 people, and surrounded immediately by four powerful warlike nations—four nations that have conscript military service—Germany, France, Italy, and Austria. This has been her situation for generations. Military conscription in Switzerland has grown up by common consent rather than established by law. Their first compact was in 1393, and since that time, owing to their situation, they have felt that every person should be trained as a soldier. Conscript service was an actual condition before the law was passed providing for it. They have felt that they were obliged to train themselves in order to prevent the aggressive designs of their more powerful neighbors immediately surrounding them.

As a matter of fact, their present military system is patterned after that of the United States. The central government virtually has no standing army at all in times of peace. The Cantons, which are the same as our States, have, except in times of war or threatened war, authority over the military forces. The military instruction and equipment of troops are under the control of the central Government, just as our Government performs a like service for the State National Guard. The organizations under the control and supervision of the Cantons are precisely like our National Guard organizations under the control of the States. The Swiss system is in no sense a national one, except when called into service when war is imminent or when war has been declared. The system is purely a confederative one.

The Swiss Government being poor, it was early found that they could not pay their troops, and, if they were to have an army at all, it must of necessity be a conscripted service. At present they have an army of some 200,000 in active service in times of war and 250,000 in a so-called—but paper—reserve; and yet they have only one general, and only have him in time of war. They pay that general \$3,650 a year when in actual service, and, substantially speaking, he is the only paid officer or man in the army. The entire expenditure of the Swiss Government for military service is only \$7,000,000 a year. In so far as the cost of subsistence and equipment is concerned, the average Swiss soldier costs his Government about \$30 a year. The average American soldier costs our Government over \$1,000 a year. Think of our Army of 135,000 men with only one general!

Mr. SMITH of Michigan rose.

Mr. McKELLAR. Will the gentleman excuse me for a moment, and I shall yield later. After I finish my main argument I shall be glad to yield.

It will thus be seen that not only is the Swiss system copied after our National Guard but the only distinguishing characteristic between it and ours is that Switzerland, being a poor country, the services of officers and men are taken by the Government without pay, while our country, being a rich country, takes the services of both officers and men with liberal pay.

It will be noted again that the distinguishing feature of both systems is the concentration of military power in times of danger and the decentralization of military power in times of peace.

A truer military policy was never devised by man. The rock upon which the ship of a republican Government has always foundered in the past was the rock of centralized military power in the nation in times of peace.

The result is, when taunted with the Swiss system, our reply is, We have the Swiss system. But they say that the Swiss system is more democratic than ours. If by that is meant that the officers and men are both placed upon an equality of service under conscription without pay, I say that is true; but when they say that in Switzerland all men have to serve, I say that is not correct. Even in Switzerland not over 25 per cent of the male population bear arms. There can be no such thing in Switzerland or any other country as universal conscription where each male as he arrives at a certain age is required to perform it.

In order for the Swiss system to be exactly like ours we would have to simply add but one small amendment to the national-defense act of June 3, 1916. This amendment is:

That hereafter all officers, noncommissioned and commissioned, and enlisted men shall be drafted into the service of the United States without pay, but with subsistence and equipment, under such rules and regulations as may be prescribed by the Secretary of War.

If our militaristic friends want democracy of service, equality of obligation of defense, and all the other isms that they have been putting forth lately, this simple amendment will give it to them, and their so-called democracy of service would be complete. Of course, they will not favor such an amendment, nor will I, because I believe that officers and men whose services are demanded by the Government should be paid for by the Government, and, to my mind, it is ridiculous to claim the contrary.

#### SWISS SYSTEM WHOLLY INADEQUATE.

Again, it is idle to talk about the Swiss system producing an effective army. They are conscripted for so many days for 12 years; or, in other words, between the ages of 20 and 32 years. The infantrymen are required to serve 65 days the first year and 11 days each year thereafter, or 186 days in all. The artillerymen are required to serve 75 days the first year and 11 days each year thereafter, or 196 days in all. The cavalrymen are required to serve 90 days the first year and 11 days each year thereafter, or 211 days in all. In other words, under this conscription system the soldier is trained a little over 6 months during a period of 12 years. I am not a military expert, but any military expert who tells me that you can make a seasoned, hardened soldier by training a man 6 months during a period of 12 years is only making himself ridiculous, and, in my judgment, a citizen thus trained would not be effective for any purpose. Such soldiers are play soldiers. Such armies are toy armies. As compared with our National Guard system our men have to serve 576 hours in 3 years, while the Swiss guardsmen serve only 1,488 hours in 12 years.

In addition, the Swiss system has never really been tried except once, and it was then found wanting. Napoleon went through Switzerland like water through a sieve. Since that time no other nation has ever invaded Switzerland, and I doubt if any has thought of doing so. No other country wants to. It is a mountainous country that offers no advantages to those seeking conquest. Expert Army officers in the United States, including many of those who are in favor of universal conscription, have frequently testified before the Committee on Military Affairs of the House that you can not make an infantryman in less than a year, and that other branches of the service require at least two years. So that we see the much-talked-of Swiss system is only, after all, a weak imitation of our National Guard and wholly unsuited to the military demands of our country and wholly inefficient to bring about a real defense to our Nation.

#### THE AUSTRALIAN SYSTEM.

For a while our militarist friends were greatly enamored of the Australian military system, and I have investigated that system somewhat and want to tell the House briefly about it.

The Australian system is so new that nobody knows what may come of it. It was only authorized in 1910. Australia has a little more than 4,000,000 people. Her territory is larger than the United States. It is an island, and has more coast than any other country. Her people are nearly all of British origin. It is virtually a white man's country, and in no place in the world, not even perhaps in the southern part of our own country, is the idea of a white man's country more prevalent than it is in Australia. They fear the Japanese very much, and in the last few years they have feared very greatly the growing power of Germany, and especially the menace that lay in Germany's building up a great naval armament. Their idea was that if Germany should at any time catch Great Britain where she could not use all of her sea forces against Germany that Aus-

tralia would be unprotected and that she would fall an easy prey to Germany. This, in addition to the Japanese menace, caused Australia a great fright, and for a number of years she has been considering various methods of protection and defense. She, of course, has no navy and neither has she an army. Doubtless, she has furnished a number of troops to Great Britain in the present war, but even now, substantially speaking, she has no real army. She has adopted a system of compulsory service or conscription which she believes will be of great good, and yet it is untried. It is hardly in working order yet, and instead of being a democratic measure it is the most undemocratic measure that could possibly be imagined.

Senator CHAMBERLAIN has introduced a bill in the Senate which substantially carries the provisions of the Australian system, and in discussing the provisions of that bill, which I now propose to do, the Australian system will be explained. I understand this bill has been changed in some respects and reported favorably. I have not seen the bill as reported.

#### THE CHAMBERLAIN BILL.

The Chamberlain bill, or Australian system, is quite a remarkable product. It takes every boy in the United States, upon his reaching the age of 12 years, except certain favored classes, and trains him at the expense of the United States Government for a period of 12 years, 6 years as a part of a cadet army and 6 years as a part of the citizen army. This bill would train the boys 90 hours a year for the first 6 years, and 120 hours a year for the next 6 years. This would mean but 6 months of actual training at 8 hours per day, scattered over a period of 12 years. If our Army officers' contention that you can not make a soldier in less than from one to two years is correct, then this training is wholly inadequate and probably would only be a farce.

But this is not the principal objection to this Australian system. Attention only need be called to three exemptions from military service provided for in the bill that destroy the whole so-called democratic idea of conscript service. In the very first section of the bill it is provided, among other exemptions, the following:

(a) Members of the permanent military or naval forces of the United States.

(b) Those excused by the President in the interest of the public service by reason of employment therein.

(c) Temporary exemptions for periods not exceeding one year, and renewals from time to time will be granted to persons whose compelled attendance at the prescribed training would impose great hardships, either by reason of excessive distance or other cause, provided that the district commandant of each training district shall have the power to issue permanent and temporary certificates of exemption for the above-mentioned causes.

These three exemptions are so vicious as even to destroy the idea that the bill might be considered by a free people. The militarists say: "Nothing could be more democratic than compulsory training or service, rich man and poor man alike sharing the common lot. Class distinctions based on wealth and inheritance for a time are absolutely lost." And yet, this bill at the very outset has a provision that exempts every boy who is or who may be so fortunate as to be a member of the permanent military or naval forces of the United States. There are two classes created by the bill, the patricians, or the governing class, and the plebeians, or serf class, the only object of which latter class is to be controlled by the ruling class. If we are to have compulsory service, it should be compulsory alike upon the officer and the man. It should not make fish of one and fowl of the other.

The next exemption offers a very wide field for abuse. It is doubtful whether any President that we might elect would so far forget himself as to allow abuses to arise in connection therewith, but at the same time it offers to the administration of each President the right to build up an unlimited favored class by the use of this power, unless such President be very careful.

The third exemption must be taken in connection with section 17 of the bill, which is as follows:

That each congressional district and the District of Columbia shall constitute a registration and training district, and in each of such districts units of the citizen cadet corps and of the citizen army shall be organized and trained, and for the purpose of registration, organization, and training each of said districts shall be under the charge of an officer of the Regular Army, designated for the purpose, who shall have an office permanently located in the district, and who shall be assisted by the necessary commissioned and enlisted personnel, and by such other assistants as are duly authorized herein as instructors for imparting the prescribed training.

Now, when this section is considered in connection with the third exemption, which provides that the commandant have unlimited power to issue permanent and temporary certificates of exemption for any cause, it requires but a most casual thought for anyone to understand what would be the effect of this pro-

vision. There would be thousands of parents in each congressional district besieging the commandant to exempt their children from the provisions of this bill. All kinds of political influence would be brought to bear upon the commandant by powerful and influential parents to exempt their children from this act, and the immediate result would be, as every man acquainted with politics in this country knows, that an alliance would immediately be formed between the political leaders of each district and the commandant of the district, having for its object the mutual interest of the parties. The local party bosses would work with the commandant to secure two things: First, exemptions for favored parents, and second, control of the local offices. The commandant would only want to be allowed to name the Congressman and Senators from such district and State, and within a short time after the establishment of such a system there would not be a Congressman in this House who would not bear the stamp of approval of the commandant of his district. The unlimited power to grant exemptions from military service would be a greater power and more effective political power than any ever exercised by a Roman proconsul in the days when the Roman Army was supreme and the Roman Republic was but a name.

Again, section 8 of the bill provides as follows:

That the training prescribed by this act for the citizen cadet corps and for the citizen army and citizen navy may be given in public and private schools, academies, colleges, and universities, in the Organized Militia or Naval Militia of the several States, in organizations of the Boy Scouts or similar organizations, provided that it conforms to the prescribed training for the corresponding years, is of equal annual duration, and is so certified by the district commandant of the district in which such instruction is imparted.

This section divides the citizen cadet corps and the citizen army into two classes, the poor and the rich. The rich who can have their children attend public and private schools, academies, colleges, and universities form one class; the other class are those who are not thus able to be educated, and the latter class, if they do not attend, are arrested and forced to do so with this humane proviso of section 15 of the bill:

That the total duration of confinement of a person in respect to offenses committed in any one year or of costs awarded in proceedings for such offenses shall not exceed 60 days.

In other words the rich would get their children exempted by sending them to the necessary school. The poor would turn their children over to the military authorities or see them sent to jail.

It seems to me that I need not further discuss the provisions of this bill. There are other provisions quite as vicious. It is opposed to every American principle of government. I can not conceive of a military system more undemocratic, more antagonistic to the customs and traditions of our people, or more fraught with danger to the Government itself than this kind of a universal training.

The military commandant of congressional districts would become the proconsuls of the military leaders here in Washington and altogether the militarists would rule this country with a rod of iron. We would have elections, perhaps, just as before, but the political bosses in each congressional district would flock to the standard of the commandant, and no official, either State or National, could be elected without the consent of this military commandant stationed in that congressional district under the provisions of this bill.

Again it would precipitate the race issue in the South and in the far West, because under the provisions of the bill the Negro, the Japanese, and the Chinese would all be trained shoulder to shoulder with the whites. The negro boys and the white boys would serve in the same companies, wear the same clothes, eat at the same tables. To that extent, at least, it might be claimed by those who are partial to the colored races that the bill was democratic.

I next come to the Argentina system, which seems to be the latest fad of the militarists.

#### THE ARGENTINE SYSTEM.

I quote the following excerpts and statements from a recent history of Argentina:

After a half century, following the 25th of May, 1910, the history of Argentina has a record of wars, revolutions, and other disturbances. It was the unavoidable conflict between centralizationists and autonomists, between military and civil principles of government. (Winter's History of Argentina, p. 321.)

In 1880 they had a great revolution. There was another considerable revolution in 1905 (p. 358), and quite a number of lesser ones in the meantime.

Mr. Winter, on page 400 of his book, says:

It is a mistaken view to think that Argentina is governed by revolution alone. It is true that in the past quarter of a century there have been three more or less serious revolutions, as well as minor disturb-

ances. Two presidents were compelled to resign by these malcontents. As a rule little blood was shed and it was simply their method of introducing a change.

From these it would seem that Argentina, a country more than one-third as large as the United States in territory, and having some seven or eight million people, is a country that has been beset all its life with revolutions. Naturally, it is a very rich country, and but for the revolutions no doubt it would have grown much faster than it has.

It has not now, and never has had, a national army that could insure the Government against the success of the revolutionists. It has a standing army of only 5,000 men, and it has an additional so-called compulsory service army of about 18,000 more.

It has in name a compulsory military service. A recent history of the Republic by Mr. Fraser has this statement on page 81:

There is a compulsory military service. The period of continuous training does not exceed one year, and this only in the case of a proportion of the annual contingent. The others are released after a three months' drill. With varying periods of training every Argentine from the age of 22 to 45 is liable to be called upon to defend his country. Though years may pass without any call to attend military drill, every man in the country must learn to shoot.

As stated above, the standing army of Argentina consists of 5,000 professional soldiers. To this is added 18,000 picked conscripted men, making an army of 23,000 men. Then they have a reserve composed of classes between 21 and 30. The militarists of the United States, who are trying to fasten the Argentine system on us, tell us, in a recent article in *World's Work*, "that in an emergency Argentina can mobilize 180,000 soldiers." As a matter of fact, their army is simply an army on paper. The entire appropriation for military purposes in 1914 was \$13,065,000. The law has been in force only a few years and nobody knows whether it is successful or unsuccessful. They have not had a revolution down there in several years, and the question is still undetermined until the next revolution. As is usual in revolutions in South America, it will be found that about one half of the army is on one side and the other half on the other side when the revolution comes. All the fit men of military age enter training, but after a general training of three months they choose a small percentage by lot to go into the Army.

I am just a little in the dark as to why our militaristic friends desire that the United States should copy a military system of a South American Republic that has in substance no military system except that of revolution. Whether such a system has been suggested in humor or not I am unable to say. Doubtless, however, some of our militaristic friends are inclined to be humorous, and have suggested this system in a spirit of fun. Surely no serious-minded man who knows what kind of a military system they have in Argentina would want the United States to copy such a system. In saying this I do not reflect upon Argentina as a nation. It has the making of a great nation if it ever gets out of the hands of the militarists and revolutionists. Her militarists and revolutionists go hand in hand, and have done more to keep back the progress of that country than all else combined. In the years to come I hope she will get out of the hands of the militarists and revolutionists and take her rightful place among the great nations.

#### WHAT IS A PROPER MILITARY SYSTEM FOR THE UNITED STATES?

Not even our militaristic friends now claim that we ought to pattern after the military systems of Germany, France, and Russia, which systems, as all men know, have brought such horrible disaster to those three countries in the last three years.

It will be seen from what has been said by me as to the Swiss, Australian, and Argentine systems that it would not do for a great Nation like ours to copy after those systems. The question then arises, What is a proper military system for the United States? My answer to that question is that we should retain our present system. It is a system instituted by the fathers of the Republic. It is a system that has carried us safely through five wars. It is a system under which we have never tasted defeat. It is a system centralized in times of war or the imminence of war when the country is in danger, and after the danger is passed it at once becomes decentralized. It is the system that is in harmony with the history, traditions, and customs of our people. It is a system that gives us protection, and at the same time it is not a menace to our republican institutions. It is truly and purely an American system, and I for one believe with all my heart, with all my soul, and with all my strength that a truly American system is better than German militarism; it is better than Swiss inefficiency; it is better than Australian negativeness; and infinitely better than the systems of South American revolutionism.

As an American citizen, I am proud of our military system and I want to see it built up and made more efficient, so that it will ever be ready to protect America's interests and in times

of peace forever incapable of threatening the integrity of the American Republic.

This system has reached its best stage under the operation of the national-defense act of June 3, 1916. By that act the military forces of our country can be centralized and mobilized upon a week's notice, if the officers of the Regular Establishment are efficient, and constitute an effective defense force. Under it we have a standing army now of 135,000 men. It can be expanded to 225,000 men. We have appropriated money for 135,000 this year. In addition to that, we have a National Guard of 158,000 men. It can be expanded to 400,000 men. This National Guard has just been through a splendid military training on the Mexican border. The two together give us now an effective military force of 293,000 men, and the President has the right under this act to conscript in times of war or threatened war enough men to fill up all National Guard organizations to full strength.

In addition to the above we have rifles and rifle ammunition, field guns and field-gun ammunition, Coast Artillery and coast-artillery ammunition, aircraft and air rifles and ammunition, to equip almost instantly an army of 1,000,000 men, and we have made immense appropriations last year and this year for the purpose of adding to our reserve of arms, ammunition, equipment, and supplies all along the line.

At the same time we are building up a reserve for both the Regular Army and the National Guard. We have doubled the capacity of West Point and Annapolis. We are training every year about 30,000 young men in the land-grant colleges and furnish them with all the paraphernalia with which to make soldiers. Under the national-defense act we have provided a Reserve Officers' Corps in the various schools, colleges, and universities of our country, and it is expected that there will not be less than 50,000 students trained for officers in these various institutions. We have appropriated \$4,385,000 for this purpose in this year's bill. Under the national-defense act the number of students thus trained should at an early time be increased to not less than 200,000 a year.

Again, we are appropriating \$2,500,000 for civilian training camps, and it is claimed that there will be not less than 50,000 men trained in these camps.

Again, we are appropriating \$2,300,000 for target practice and rifle ranges to teach the young men of the country how to shoot.

It will thus be seen that the national-defense act of June 3, 1916, provides for the training of not less than 160,000 of the National Guard, of 50,000 in the Officers' Reserve Corps, of 30,000 young men in the agricultural colleges, and 50,000 in the training camps. In all our Government is now providing for the training each year of 290,000 men. It is only claimed that 400,000 can be trained by conscription. (Gen. Scott, p. 793.)

We are training these men on a volunteer basis. The men who take the training are so situated as to their finances, their dependent families, their employment, their methods and habits of life, that they can thus be trained with least interference to their business pursuits, and surely the annual training of this large number of men will produce in this country within a short time a body of trained military men that will be sufficient to protect our country against any invasion which may come—anywhere it comes from.

In 10 years under this system we will have in this country not less than 2,900,000 trained young men to serve their country in case of need.

In addition to all this we still have the law providing for the call for volunteers, and in a case of necessity these volunteers may be called upon at any time and would come, no doubt, for the most part from these men who have been thus trained in our schools, colleges, and in our military training camps.

In my humble judgment, this system of military training is the very best and most effective training that this country of ours could have, and I am opposed to any change in it, except to build it up and make it stronger and better and more efficient. As an amendment to it I have a bill now reported out from the Committee on Military Affairs, providing for the establishment of national military academies in each State in the Union.

In this connection I want to urge my militaristic friends to leave off complaining of our military system and abusing it, but to join all patriotic citizens in saying a good word for it, and building it up and making it more efficient as the years go by for our common good and protection, at the same time seeing to it that our system shall never become so centralized as to menace the integrity of our Republic.

#### THE NATIONAL GUARD.

I can not close these remarks without having a few words to say about the National Guard. The national-defense act of June 3, 1916, went into effect a few days before the National Guard was called out. That law provided for pay to the National Guard and was intended to make it, and, in my judgment, does make it, an effective national force. Although it was called out immediately after the passage of the act, the success of the call has been remarkable. In a reasonable time, and, indeed, a shorter time than could have been expected, 158,000 of the National Guard was mobilized on the Mexican border. Up to the time that the National Guard was called to the border there had been frequent incursions upon the part of Mexicans into Texas. While the Regular Army was stationed on the border we had the unfortunate raid upon Columbus, N. Mex., and afterwards came the unfortunate episodes of Parral and Carrizal; but after the National Guard was stationed on the border there was no further trouble. The Mexicans came no more, and now for nearly eight months the National Guard, or a very large portion of it, has been busily engaged in defending the border and in training to make themselves more efficient soldiers.

Notwithstanding the perfect service which they have given, notwithstanding their long and arduous training, notwithstanding their being taken away from their ordinary occupations and deprived of their positions in many cases, these patriotic men have stuck steadfastly to their duty, and in my judgment have rendered to their country a service which every patriotic American citizen should commend and applaud.

However, notwithstanding the fact that the mobilization of the National Guard on the border has been an entire success and has accomplished effectually the purpose for which they were sent there, still our militaristic friends, and I regret to say some of these are in the Regular Army, having made up their minds before the passage of the national-defense act that the National Guard should not be made a national force, have constantly undertaken to find fault with the guard and to criticize it in every conceivable way, and some have gone even so far as to say that it has been a failure. A partially anonymous report was gotten up which casts reflections upon the entire National Guard. In this report, or by whom it was made, or to what organizations it refers, the report itself does not show, mention is made of a number of criticisms of the National Guard. Some of the more important of these criticisms are as follows:

1. The mobilization was not quick enough.
2. That all of the organizations were not up to peace strength.
3. That recruiting was not active enough.
4. There were changes in the points of mobilization after the President's call.
5. There were mistakes made about mobilization camp sites.
6. That the shipments of reserve supplies to mobilization points were not carried on as it should have been.
7. That many of the men did not have clothing, shoes, and extra clothing for the surplus kits.
8. That they did not have the necessary equipment.
9. The transportation was not up to the standard.
10. The necessary horses were not furnished.

Now, it will be seen that each of the foregoing criticisms are really to be directed to the Regular Army organization, because the Regular Army organization under the national-defense act had control of all these matters.

On the other hand, there were some criticisms made that are proper criticisms of the National Guard:

1. The failure of a small part to take the oath as required by law.
2. A great many of the guard were found physically defective and were discharged.
3. Some few of the National Guard failed to respond to the call.
4. Some sought discharges from service on account of dependent relatives and other causes.
5. Some sought discharges on account of being students in educational institutions.
6. Some sought discharges because they were Government employees.
7. Lack of training.
8. Recruiting.

It will thus be seen that to those who are inclined to be critical the mobilization of the National Guard on the border may be criticized. Some of these criticisms apply to the National Guard. Some of them apply just as strongly to the Regular Army. I have no doubt that taken as a whole it has tried to do

its full measure of duty on the border. I believe that the same is true of the National Guard.

To illustrate: They claim that there has been difficulty in recruiting the National Guard, and yet, it is admitted, they have the same trouble in recruiting the Regular Army. It is claimed that they have desertions from the National Guard, but the remarkable fact is the desertions from the National Guard as compared to the desertions from the Regular Army in the same period of time were many less.

All these criticisms about the National Guard not being "first-line" troops are unjustified. The Regular Army men have never been "first-line" troops yet. They have had no more experience as "first-line" troops than the National Guard, and no one knows until they are tested on that "first line" which will make the best. I have no doubt that whenever it comes, should it ever be so unfortunate for either body of troops to be put on the "first line," they will conduct themselves in a manner befitting the American soldier, and both organizations will make real first-line soldiers.

Gentlemen of the committee, we settled our military policy on June 3, 1916. It will not be changed in your day or mine, but, of course, it will be modified from time to time as may be found necessary. It is the very best policy of which this country is capable. That it will be a successful policy in the event of trouble I have no doubt. Under it we can train as many men as it is claimed we can under the so-called military service plan, as heretofore pointed out by me, and I trust that in the future our Army officers, our newspapers, our magazines, and all patriotic American citizens will be willing to stand by this truly American system and give it their loyal, unwavering, and enthusiastic support, and when that is done we can rest assured that the American armies will continue to have that marvelous success in the future that they have always had in the past.

Mr. SANFORD. Will the gentleman yield for a question?

Mr. MCKELLAR. Yes.

Mr. SANFORD. I have a great deal of confidence in the gentleman's judgment, and I want to ask him if there is any officer of the Military Establishment that came before the gentleman's committee, either at this or the last session, that assures the gentleman's confidence in reference to the reliability of our present system?

Mr. MCKELLAR. I want to say this about it, and I am glad the gentleman asked the question—

Mr. SANFORD. I want the information.

Mr. MCKELLAR. I will give you the information. You take the politicians of the Army, the swivel-chair soldiers, you take the after-dinner calamity howlers, you take the dress-parade gentlemen, in the Army and out of the Army, and they all want a greater dress-parade Army, and they hope to secure it through the way of universal service. Here is what the Secretary of War said before our committee recently, in substance, namely, that he had heard absolutely no criticism of the National Guard from any officer of the Regular Army who was down on the border with troops. Think of it. There was not a scintilla of criticism.

Mr. SHALLENBERGER. Actually serving with troops.

Mr. MCKELLAR. Actually serving with troops. The men who were there, the men who know how to fight, the men on whom this country has to depend when it comes to trouble, make no criticism of the National Guard. They tell you that the National Guard system is a splendid organization. They do not make any complaint of it. But the gentlemen who sit back at home in the offices and at the desks find it easy enough to criticize.

Mr. SANFORD. I want the gentleman to answer my question one way or the other. I do not want the gentleman to think that he has answered it.

Mr. MCKELLAR. If I have not done so, I shall be glad to do so.

Mr. SANFORD. I want to ask if there was any officer of the Military Establishment who has been before the gentleman's committee—and the committee had the right to call all kinds—either at this or last session, that assured the gentleman's confidence in reference to our present system under the National Guard?

Mr. MCKELLAR. The only one I recall is Gen. Mann. He said the National Guard had not had a fair trial. We know our office men here. They are all in favor of universal service; but only a very few of them thus testified before our committee.

Mr. SHALLENBERGER. Gen. Mann was asked if he was willing to say that the system was a failure, and he said that he thought that, considering the fact that there had been no real trial under this system—and I am referring to the National Guard under the national-defense act—he could not say, inas-

much as the system had not been tried yet. That is the substance of it.

Mr. SANFORD. They were universal in condemning it in advance?

Mr. KAHN. If the gentleman will permit me, Gen. Mann said that in his opinion the National Guard as provided for in the national defense act had not been given a fair trial.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MCKELLAR. Can anybody who has some time give me five minutes more?

Mr. DENT. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes more.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. MCKELLAR. In a moment. Some of these officers do say the National Guard has been a failure. They said that before the defense act of 1916 was passed, and their testimony shows that they are simply holding to their former opinions. Let me say in regard to that, in conclusion, that there is no real proof of any such fact. The National Guard has done everything in the world that could be expected of them. They have done everything that has been required of them. You all remember the episode at Columbus, N. Mex.; our National Guard was not there. You all remember the episode at Carrizal; the National Guard was not there. You will remember that before the National Guard was sent to the border there were depredations on the part of Mexicans almost every day or week, but have you heard of any depredations since that National Guard has been there? Not one. They have measured up to everything that was expected of them. They have conducted themselves in such a way down there that in my judgment they have earned the commendation and praise of every fair-minded man in this country for the service that they have done.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Ohio?

Mr. MCKELLAR. Yes.

Mr. EMERSON. You do not charge the affair at Carrizal to the Regular Army?

Mr. MCKELLAR. No; I do not. It was an unfortunate episode. These things will occur. It might have occurred with the National Guard, but it did not. I am not charging the Regular Army or the National Guard with any derelictions. They are both splendid organizations of men, and I believe that whenever they have a real fight, they will not be found wanting. I say it is the duty of Congress to stand behind these men in the field, to build them up, to make them more efficient, whether they are in the Regular Army or in the National Guard; to build them up along the plans that we have now. I do not believe in criticizing them or either of them, and especially at this juncture of our history. I am for a more efficient Army. I would get rid of all this bickering about the Regular Army on the one side, or the National Guard on the other. No patriotic official or officer ought to indulge in such criticism. I think we ought to get rid of it in the Army. I think we ought to get rid of it outside of the Army. We ought to come to the conclusion that there is but one system of militarism in this country, and that is the one that was established by our forefathers, and that one we will stand by and uphold.

Mr. KREIDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. MCKELLAR. I yield to the gentleman.

Mr. KREIDER. I want to ask the gentleman a question for information.

Mr. MCKELLAR. I yield to the gentleman.

Mr. KREIDER. In reference to the Swiss system, which has been referred to so often, do I understand the gentleman correctly to say that the Swiss system provides for only 60 days' training?

Mr. MCKELLAR. Sixty-five days training the first year and 11 days thereafter for the infantry, 75 days for the cavalry, and 90 days for the artillery during a period of 12 years.

Mr. KAHN. The 65 days is only for the infantry?

Mr. MCKELLAR. Yes; 65 days the first year for the infantry, 75 days for the cavalry, and 90 days for the artillery, and 11 days thereafter each year. It is not anything like the amount of training that is given in the National Guard of your own country. When men talk about the Swiss system being a more efficient system than ours they do not know what they are talking about.

Mr. KREIDER. The 65 days' training is given at the age of 20 years, is it?

Mr. McKELLAR. They get 65 days' training the first year and then thereafter 11 days.

Mr. KREIDER. For how many years?

Mr. McKELLAR. Eleven more years; 12 years in all; and then they do not drill any more.

Mr. KREIDER. Do they have colleges or anything similar to our Military Academy at West Point to train their officers?

Mr. McKELLAR. They have some military schools, of course, but they are not of any great consequence.

Mr. GORDON. It would not be correct to say that that is all the training. They have some training at schools.

Mr. McKELLAR. Yes. They have some military schools.

Mr. GORDON. No; I mean in their public schools. Furthermore, the Swiss constitution contains an absolute prohibition against a standing army.

Mr. McKELLAR. Yes; absolutely.

But before I close, Mr. Chairman, I desire to add another word about the National Guard.

In closing I desire to quote the words of Secretary Baker on this subject before the Military Affairs Committee of the House:

Secretary BAKER. I think that the call to the border coming inopportunistly, so far as the transition from Organized Militia to National Guard is concerned, has enormously strengthened the National Guard both in its personnel, in its fitness as soldiers, and in its esprit de corps, and I look for very great improvement in the National Guard as a result. (Hearings, p. 725.)

And again:

Secretary BAKER. So far as I know, Senator, no ranking officer who is actually in control of those troops on the border or concerned in their conduct there has made no such criticism.

Mr. McKELLAR. I am glad to know that. (Hearings, p. 718.)

I am proud of the fact that the real soldiers in the American Army, that the officers who were with the troops in the field, who know the National Guard, have not joined in this condemnation of the guard, and that the only criticisms that come from officers of the Army come from those officers who are far removed from the scenes of any impending conflict, and for the most part are men who have never seen, and who will probably never see, the smoke of battle. Swivel-chair soldiers, political soldiers are ever most critical of those who serve on the fighting line.

The criticisms come, for the most part, from that class of men whom we always have to relegate to the rear when a real conflict comes, the political soldiers, the Miss Nancys in uniforms, the after-dinner calamity howlers, the common scolds of the Army and Navy, the military old maids who see a dozen mice under every strange military bed—these we always have with us except in times of war. But red-blooded Americans need not mind them. Thank God, these fearful ones are few, and when the real conflict comes they all disappear until the war is over, when real men have more time to listen to their carplings. They even criticize those who have fought all our wars from the Revolutionary War down to the Spanish War.

Ah, my friends, it is easy enough years after the event to talk about what an army might have done or what it might not have done. It is easy enough to point out mistakes that have been made, but what we look to and what the world looks to is success. And I say that the American Army has never met a defeat and never will, in my judgment. [Applause.]

Mr. DENT. I yield one minute to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I simply ask leave to extend my remarks in the Record by inserting some correspondence which I received from Gen. Crozier and from a gentleman by the name Alifas, on the subject of the time study and premium-payment proposition which is involved in this bill, and also the testimony before our committee on that subject. If I can obtain the time later, I will address the House on the question.

The CHAIRMAN. The gentleman asks leave to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave was granted to Mr. BLACKMON, indefinitely, on account of sickness in his family.

#### EXCUSED FROM ROLL CALLS.

Mr. McKELLAR. Mr. Speaker, I was here practically all day yesterday, as I have been during this session of Congress. Late yesterday afternoon I went over to Baltimore to act as best man for a friend of mine, Dr. McKinney, of Memphis, who married there last night. It is one of those services that every gentleman likes to perform for a friend when possible. There was nothing going on in the House when I left that would indicate there would be an all-night session. While I was away last night a point of no quorum was made in the House, and there were six roll calls before midnight. I was paired with Mr. CRAIG, of Pennsylvania, who was present and did not vote; but there was a misunderstanding about his asking that I be excused.

I want to ask of the House unanimous consent that I be excused from the several roll calls under the circumstances, nunc pro tunc.

The SPEAKER. The gentleman asks unanimous consent to be excused nunc pro tunc as of the roll calls of yesterday. Is there objection?

There was no objection.

Mr. SAUNDERS. Mr. Speaker, I would like to make a request to be excused nunc pro tunc. I accepted an invitation to make an address on the Government shipping bill, and in discharge of the acceptance of that invitation I was unavoidably absent yesterday afternoon and thereby missed several roll calls. I prefer the same request that was made by the gentleman from Tennessee [Mr. McKELLAR].

The SPEAKER. Without objection, the request is granted.

There was no objection.

#### HOOR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, February 16, 1917, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for inclusion in the general deficiency bill (H. Doc. No. 2057); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor, submitting estimates of appropriations on account of the United States Employees' Compensation Commission for the fiscal year ending June 30, 1918 (H. Doc. No. 2058); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation in the sum of \$60,000 for metal storage stacks required in the General Land Office Building (H. Doc. No. 2059); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting additional estimates of appropriations required by the War Department for the service of the fiscal year 1917 (H. Doc. No. 2060); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the Federal Trade Commission, submitting an estimate of appropriation to cover an investigation into the production, ownership, manufacture, storage, and distribution of foodstuffs (H. Doc. No. 2061); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for the relief of John Brodie (H. Doc. No. 2062); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 20828) to regulate the conduct of vessels in the ports and waters of the United States in case of actual or threatened war, insurrection, or invasion, or threatened disturbance of the international relations of the United States, reported the same without amendment, accompanied by a report (No. 1496), which said bill and report were referred to the House Calendar.

Mr. RAGSDALE, from the Committee on Foreign Affairs, to which was referred the bill (S. 3680) to authorize the payment of indemnities to the Governments of Austria-Hungary, Greece, and Turkey for injuries inflicted on their nationals during riots occurring in South Omaha, Nebr., February 21, 1909, reported the same without amendment, accompanied by a report (No. 1497), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (S. 391) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined post-marking and stamp-canceling hand-stamp patents, or otherwise, reported the same with amendment, accompanied by a report (No. 1498), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19155) granting a pension to James Besheres; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19469) granting a pension to Alvin Jackson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20040) to amend the irrigation act of March 3, 1891 (26 Stats., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stats., 404); Committee on Irrigation of Arid Lands discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 20907) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; Committee on the Judiciary discharged, and referred to the Committee on Interstate and Foreign Commerce.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREENE of Vermont: A bill (H. R. 20918) for the relief of the State of Vermont; to the Committee on the Judiciary.

By Mr. EAGAN: A bill (H. R. 20919) authorizing the Secretary of War to deliver to the town of Union, Hudson County, State of New Jersey, two condemned bronze or brass cannon, with carriage and suitable outfit of cannon balls; to the Committee on Military Affairs.

Also, a bill (H. R. 20920) authorizing the Secretary of War to deliver to the town of West Hoboken, Hudson County, State of New Jersey, two condemned bronze or brass cannon, with carriage and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. HENSLEY (by request): Resolution (H. Res. 507) providing for a referendum vote on a declaration of war; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Commonwealth of Massachusetts, supporting the President and the Congress of the United States in whatsoever action he or it may take to preserve the dignity, honor, and safety of our country; to the Committee on the Judiciary.

By Mr. CURRY: Memorial of the Legislature of the State of California, favoring the preservation of the cabin of Galen Clark, the discoverer of the Mariposa big trees; to the Committee on the Public Lands.

By Mr. GARDNER: Memorial of the Legislature of the State of Massachusetts, indorsing the stand taken by the President of the United States in the present international crisis; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 20921) for the relief of James Hilliard; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 20922) granting an increase of pension to Mrs. Sidney E. Collins; to the Committee on Pensions.

By Mr. COADY: A bill (H. R. 20923) granting a pension to Marmaduke R. Goodman; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 20924) for the relief of Charles O. Berg; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 20925) granting an increase of pension to George C. Elliott; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 20926) granting an increase of pension to Benjamin Vanfossen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20927) granting an increase of pension to John W. Vanfossen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20928) granting an increase of pension to Alonzo M. Hobbs; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 20929) granting a pension to Jesse M. Gilliland; to the Committee on Pensions.

Also, a bill (H. R. 20930) granting an increase of pension to Bateman Zoll; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 20931) granting an increase of pension to Freeman W. Waitt; to the Committee on Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 20932) for the relief of Henry C. Hickman; to the Committee on Claims.

By Mr. WATSON of Pennsylvania: A bill (H. R. 20933) granting an increase of pension to Pearl Gertrude George; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 20934) granting an increase of pension to Eli House; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 8051, for special relief of Fred Tish; to the Committee on Pensions.

By Mr. BURKE: Petition of George W. H. vos Burgh and 12 other citizens of the city of Columbus, Wis., asking for the passage of House bill 20080, to give effect to the treaty between this country and Canada for the protection of migratory birds; to the Committee on Foreign Affairs.

By Mr. BYRNS of Tennessee: Papers accompanying House bill 20922, for an increase of pension for Mrs. Sidney E. Collins; to the Committee on Pensions.

By Mr. CARLIN: Petition of 26 citizens of Catlett, Va., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CARY: Telegrams from the Vilter Manufacturing Co.; Roundy, Peckam & Dexter Co.; F. Moyer Boot & Shoe Co.; J. H. Rice & Friedman Co.; Charles A. Clark, chairman banking committee of Credit Men's Association; National Enamelling & Stamp Co.; Pabst Brewing Co.; F. L. Weyenberg, president Weyenberg Shoe Manufacturing Co.; George Ziegler Co.; Rauswer Leavens & Kissinger Co.; Sidenberg & Hays; Phoenix Knitting Works; Richard M. Morowitz; A. C. Jaudell; Russia Fur & Tanning Co.; Goodyear Rubber Co.; Gender Paeschke & Frey Co.; Frank G. Smith, president Milwaukee Credit Men's Association; W. F. Rediske; and the Gem Hammock & Fly Net Co., all of Milwaukee, Wis., protesting against passage of the Kitchen bill, which restores the old system of charges on collecting checks; to the Committee on Banking and Currency.

By Mr. DALE of New York: Petition of employees of the Post Office Department, urging the passage of House bill 17806, and reclassification bill, Senate bill 7193; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Memorial of sundry citizens of the city of St. Louis, Mo., commending the act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. EAGAN: Memorial of the Union League Club, of the city of New York, indorsing recent act of the President of the

United States in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of T. K. Rowen, of Ocean Grove, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Christadelphians, praying for exemption from all forms of military service; to the Committee on Military Affairs.

Also, petition of the Commercial Exchange of Philadelphia, Pa., approving recent act of the President of the United States in severing relations with Germany; to the Committee on Foreign Affairs.

By Mr. ELSTON: Petition of Knox Presbyterian Church, Berkeley, Cal., for the passage of a bill to prohibit the manufacture and sale of alcoholic liquor in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Knox Presbyterian Church, Berkeley, Cal., for the passage of a bill to prevent advertising of, and soliciting for, sale of alcoholic liquor by mail in prohibition territory; to the Committee on the Judiciary.

By Mr. FULLER: Memorial adopted at a mass meeting of organized labor protesting against war and asking a referendum vote before war is declared by Congress; to the Committee on Foreign Affairs.

Also, petition of 54 people of the Woman's Christian Temperance Union of Genoa, Ill., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of the Commercial Exchange of Philadelphia, indorsing the action of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Lawrence Chamber of Commerce, relative to the separation of the Long Island Sound steamships from the control of the New York, New Haven & Hartford Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Dorchester and Boston, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boston, Haverhill, and Newton, all in the State of Massachusetts, urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, memorial of the New York Association for the Protection of Game, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. GARDNER: Memorial adopted by the Union League Club of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of William F. Eldredge and other residents of Rockport, Mass., urging passage of House bill 20080, known as the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. HAYES: Memorial adopted by citizens of the city of San Jose, county of Santa Clara, Cal., asking investigation of labor conditions at Everett, Wash.; to the Committee on Labor.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 20926, to increase pension of Benjamin Vanfossen; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20927, to increase pension of John W. Vanfossen; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20429, granting increase of pension to Charles E. Spear; to the Committee on Invalid Pensions.

Also, paper to accompany House bill 20928, to increase pension of Alonzo M. Hobbs; to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of Leo Luedtke and 22 other citizens of Tawas City, Mich., relative to declaration of war only by referendum vote; to the Committee on Foreign Affairs.

By Mr. MORIN: Petition of Mrs. Edward A. Jones, president of the Congress of Women's Clubs of Western Pennsylvania, relative to Congress indorsing the movement of the Bureau of Naturalization and the public-school authorities in the work of educating the alien; to the Committee on Immigration and Naturalization.

By Mr. PATTEN: Petition of sundry citizens of New York, relative to Americans keeping out of the danger zone; to the Committee on Foreign Affairs.

By Mr. ROWE: Petition of sundry citizens of Brooklyn and New York, N. Y., opposing mail-exclusion and prohibition measures; to the Committee on the Judiciary.

Also, petition of Miss Jean W. Simpson, New York, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Commercial High School, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Louise Merritt, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, memorial of the American Forestry Association, Washington, D. C., favoring legislation to eradicate the pine-blister disease; to the Committee on Agriculture.

By Mr. STAFFORD: Memorials adopted by the Masons and Bricklayers' Union No. 8, of Milwaukee, protesting against a declaration of war against Germany; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petition of Women's Clubs of Western Pennsylvania, in support of Senate bill No. 7909; to the Committee on Immigration.

By Mr. TINKHAM: Petition of Boston Gaelic School Society, against enacting any law abridging the rights and liberties of American citizens; to the Committee on the Judiciary.

By Mr. WARD: Petition of Lorin Schantz and 14 residents of Highland, N. Y., opposing mail-exclusion and prohibition measures; to the Committee on the Judiciary.

Also, petition of E. J. Depuy and other residents of Wurtsboro, N. Y., for the submission to the States of a national prohibition amendment; to the Committee on the Judiciary.

Also, petition of 125 people of the Methodist Episcopal Church of Clintondale, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 220 people of the Friends' Church, Clintondale, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. WHALEY: Petitions of sundry citizens and church organizations of South Carolina, favoring national prohibition; to the Committee on the Judiciary.

## SENATE.

FRIDAY, February 16, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Stone
Bankhead	Hughes	Oliver	Sutherland
Brady	Husting	Overman	Swanson
Bryan	James	Owen	Thomas
Catron	Johnson, S. Dak.	Page	Thompson
Chamberlain	Jones	Poindexter	Tillman
Clapp	Kenyon	Ransdell	Townsend
Colt	Kirby	Robinson	Vardaman
Culberson	La Follette	Saulsbury	Wadsworth
Cummins	Lane	Shaforth	Walsh
Curtis	Lea, Tenn.	Sheppard	Warren
Fernald	Lodge	Sherman	Watson
Fletcher	McCumber	Shields	Weeks
Gallinger	Martin, Va.	Simmons	Williams
Gronna	Martine, N. J.	Smith, Md.	
Hitchcock	Myers	Smoot	

Mr. MARTINE of New Jersey. I desire to announce the absence of the senior Senator from Oklahoma [Mr. GORE] on account of illness. I ask that this announcement may stand for the day.

Mr. LEA of Tennessee. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is detained from the Senate on account of illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

### GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I desire to ask for a unanimous-consent agreement. I send it to the desk and ask that it may be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 1 o'clock on Saturday, February 17, 1917, the Senate will proceed to the consideration of H. R. 9533, a bill to provide a civil government for Porto Rico, and for other purposes, and during that day shall vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock on the 17th day of February, 1917, no Senator shall speak more than once or longer than five minutes upon the bill or more than once or longer than five minutes upon any amendment offered thereto.

Mr. LODGE. Mr. President, if I may be permitted a word, the bill, I understand, is substantially completed. It is a very important bill and ought to pass; but there is pending to it a